

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

SHARON GUTHRIE,	:
	:
	:
Plaintiff,	:
	:
-vs-	: NO. 1:22-cv-00162
	:
THE UNITED STATES OF AMERICA,	: Jury Demanded
	:
	:
Defendant.	:

THE DEPOSITION OF
SHARON GUTHRIE
November 29, 2023

Whitney A. Vaughn, TN LCR# 418
Angel & Associates Court Reporting
P.O. Box 1145
Hixson, Tennessee 37343
(423) 876-4435 and 800-298-DEPO (3376)

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15
16
17 ALSO PRESENT: Daniel Stanfield

1 The deposition of SHARON GUTHRIE,
2 called as a witness at the instance of the Defendant,
3 for purposes of discovery, pursuant to the Federal
4 Rules of Civil Procedure, taken pursuant to agreement
5 on November 29, 2023, at the law offices of
6 Wettermark Keith, 1232 Premier Drive, Suite 325,
7 Chattanooga, Tennessee 37421, commencing at
8 9:59 a.m., before Whitney A. Vaughn, Court Reporter
9 and Notary Public.

10
11
12 S T I P U L A T I O N

13 It being agreed between counsel for
14 the respective parties that Whitney A. Vaughn, Court
15 Reporter and Notary Public, may swear the witness,
16 take her deposition in machine shorthand, afterwards
17 reducing the same to typewriting.

18 All objections, except as to the form of
19 the question and responsiveness of the answer, are
20 reserved to on or before the hearing.

21 It being further agreed that all
22 formalities as to notice, caption, certificate,
23 transmission, etc., are expressly waived. Signature
24 reserved.

25 //

1 SHARON GUTHRIE,
2 called at the instance of the Defendant, having been
3 first duly sworn, was examined and testified as
4 follows:

5 EXAMINATION

6 BY MR. FAIR:

7 Q Good morning, Ms. Guthrie.

8 A Good morning.

9 Q My name is Spencer Fair. I'm here on
10 behalf of the United States in this lawsuit that you
11 filed in federal court. First I'm going to ask you
12 to state your full name for the record.

13 A Sharon Maxine Guthrie.

14 Q Have you ever given a deposition
15 before today?

16 A No.

17 Q I want to talk to you about just some
18 general ground rules to make things go more smoothly.
19 I'm going to ask you questions. It's important that
20 you give verbal responses, so words rather than
21 uh-huh or huh-uh or nodding your head, which is a
22 very common thing for people to do. And if I catch
23 you doing it, I'll try to remind you or your attorney
24 probably will too, because the court reporter is
25 taking everything down, and it's harder to capture a

1 head nod than a word.

2 A Yes.

3 Q And we'll try not to speak over each
4 other because that also makes it very hard for the
5 court reporter. If I ask you a question that you
6 don't understand, feel free to let me know you just
7 don't understand what I'm asking you, and I'll try to
8 rephrase it in a way that makes sense. And if at any
9 time you need to take a break, please let me know.
10 We'll take a break.

11 A Thank you.

12 Q Are you taking any medications today
13 which could affect your understanding of my questions
14 or your ability to answer them?

15 A No.

16 Q Okay. What have you done to prepare
17 for the deposition today?

18 A I spoke to my attorney.

19 Q Have you reviewed any documents?

20 A No.

21 Q Okay. I want to show you first a
22 document --

23 MR. KUHLMAN: Can I interject for
24 just a second? When he uses the phrase or the word
25 documents, he is -- I don't mean to put words in your

1 mouth, but I think he is referring to that term
2 broadly to include things like photographs, exhibits,
3 this sort of thing. Or do you mean just what you --

4 MR. FAIR: Sure. Yeah.

5 BY MR. FAIR:

6 Q Have you reviewed anything?

7 A I've looked at the pictures.

8 Q And the pictures, would those be the
9 photographs that you produced to me in discovery most
10 likely?

11 A Yes.

12 Q Okay. We'll look at those later. I
13 want to show you this document here. I've got a copy
14 for your attorney. And this document is titled
15 Plaintiff's Response to Defendant's Interrogatories.
16 Do you see that on the front page?

17 A Yes.

18 Q And if you will flip to not the last
19 page but the second to last page, there is a
20 signature on there. I think you're on it right there
21 where your hand is. Does that appear to be your
22 signature?

23 A Yes.

24 Q Do you recall signing this document
25 and then assisting with the responses in this

1 document?

2 A Yes.

3 MR. FAIR: Okay. We'll come back to
4 that as well, but I want to make that Exhibit 1 to
5 your deposition.

6 (Whereupon, the document, as referred
7 to above, was marked and subsequently attached hereto
8 as Exhibit No. 1.)

9 BY MR. FAIR:

10 Q This next document is titled
11 Plaintiff's Response to Defendant's Request For
12 Production, and it looks a lot like the other
13 document. Do you remember assisting with responding
14 to these requests for production? And this isn't one
15 you would have signed.

16 A I started to say.

17 MR. KUHLMAN: His question was, do
18 you remember assisting with this, not is this a
19 document that you signed.

20 THE WITNESS: Yes.

21 MR. FAIR: If you recall. Okay.
22 We'll make that Exhibit 2.

23 (Whereupon, the document, as referred
24 to above, was marked and subsequently attached hereto
25 as Exhibit No. 2.)

1 BY MR. FAIR:

2 Q What is your date of birth?

3 A July 22nd, 1967.

4 Q And that makes you how old today?

5 A Fifty-six.

6 Q And on the date of the accident in
7 2020, would you have been 53?

8 A Yes.

9 Q All right. What is your current
10 address?

11 A 1761 Highway 30 East, Athens,
12 Tennessee 37303.

13 Q And is that the same address that you
14 lived -- where you lived in December 2020?

15 A Yes.

16 Q And is this fairly close to the scene
17 of the collision?

18 A Yes.

19 Q All right. Who lives in that home
20 with you?

21 A Myself and my husband.

22 Q And was that the case in December 2020
23 as well, just you --

24 A Yes.

25 Q -- and your husband lived there? Do

1 you own that home?

2 A Yes.

3 Q How long have you lived there?

4 A Six years and eleven months.

5 Q Six years and eleven months. So
6 nearly seven years. Where did you live prior to
7 that?

8 A 1360 Bucks Pocket Road, Old Fort,
9 Tennessee.

10 Q And where is Old Fort, Tennessee?

11 A It's in Bradley County. It's 20 --
12 28 miles probably from our house.

13 Q Okay. And you're married?

14 A Yes.

15 Q Were you married in December 2020 as
16 well?

17 A Yes.

18 Q Okay. What's your husband's name?

19 A Daniel Stanfield.

20 Q And how long have you been married to
21 Mr. Stanfield?

22 A Five years.

23 Q And prior to Mr. Stanfield, have you
24 been married?

25 A Yes.

1 Q How many times?

2 A Twice.

3 Q What are the names of your other
4 previous husbands?

5 A Roger Guthrie.

6 Q And what were the years with
7 Mr. Guthrie?

8 A 1982 to 1997.

9 Q And then the other husband?

10 A Robert Shultz.

11 Q And what were the years there?

12 A 2001 to 2012.

13 Q Do you have any children?

14 A Yes.

15 Q Are they adults?

16 A Yes.

17 Q Where do -- how many children do you
18 have?

19 A One.

20 Q What's his or her name?

21 A Kevin Guthrie.

22 Q How old is Kevin?

23 A Thirty -- he is forty. He just had a
24 birthday.

25 Q Happy birthday, Kevin. Do you have

1 any criminal background?

2 A No, sir.

3 Q Never been charged with a crime or --

4 A No.

5 Q -- convicted of a crime? Have you
6 ever been involved in a civil lawsuit, other than
7 this one, as a plaintiff or a defendant?

8 A Yes.

9 Q Okay. Tell me about that.

10 A I have sued several tenants.

11 Q Okay.

12 A I've never actually been sued, but I
13 have sued.

14 Q And the concept of suing tenants, I'm
15 assuming you own some property where other
16 individuals rent from you?

17 A Yes.

18 Q How many pieces of property do you own
19 that are rented?

20 A Five.

21 Q Are all those located in Bradley
22 County?

23 A No.

24 Q Where are they located?

25 A One is in Bradley County, two are in

1 Polk County, and McMinn County. The rest are in
2 McMinn County.

3 Q How long have you owned these
4 properties? I assume probably not all at the same
5 time.

6 A The oldest one is from 2006, and the
7 newest one is from a year and four or five months.

8 Q Are these all residential properties?

9 A Yes.

10 Q And the purpose of the lawsuits you
11 have been involved in were suing tenants I assume for
12 rent?

13 A Yes.

14 Q Okay. Any other civil litigation that
15 you have been involved in other than suing tenants?

16 A No.

17 Q Where did you grow up?

18 A Benton, Tennessee.

19 Q What county is that in?

20 A Polk.

21 Q Home of the bacon, right, the Benton's
22 Bacon?

23 A No.

24 Q No? That's not in Polk County?

25 A No.

1 Q Okay. I don't know where it is then.

2 Do you?

3 A Madisonville.

4 Q That's in Madisonville. Okay. Where
5 did you go to high school?

6 A I went to Polk County High School,
7 and -- but I graduated from Bradley Central High
8 School.

9 Q What year did you graduate from
10 Bradley Central?

11 A 1985.

12 Q Beyond high school, do you have any
13 further formal education?

14 A I -- yes.

15 Q Tell me about that.

16 A I have some college. I do not have a
17 degree, but I do have some college. And I also have
18 some classes in landscape and landscape design.

19 Q Where did you receive some college?

20 A Cleveland State and Chattanooga State.

21 Q Where did you attend the classes on
22 landscape and landscape design?

23 A Chattanooga State.

24 Q When you attended some college in
25 Cleveland -- at Cleveland State, was that soon after

1 **graduating high school?**

2 A Yes.

3 Q Okay. And then when did you take
4 **these landscape and landscape design classes**
5 **generally?**

6 A I would -- I think 1999 and 2000.

7 Q And what was the purpose of taking
8 **those classes?**

9 A I owned a lawn care business.

10 Q Okay. What was the name of that lawn
11 **care business?**

12 A Lawn Care and More.

13 Q When did you first open up that lawn
14 **care business?**

15 A 1999, I think.

16 Q Is it still functioning?

17 A No.

18 Q When did it stop functioning?

19 A 2018.

20 Q And why -- why did you stop running
21 **that business in 2018?**

22 A Age.

23 Q What did you do with Lawn Care and
24 **More? What were your duties/roles?**

25 A The landscaping, scheduling, mowing

1 grass, payroll.

2 Q Everything?

3 A Yeah.

4 Q Did you have W-2 employees at that
5 business?

6 A No. 1099.

7 Q Are you employed now?

8 A No.

9 Q When was the last time you worked?

10 A September 30th of 2020.

11 Q And you have a very specific date
12 there. Was there something significant that happened
13 on September 30th, 2020?

14 A Yes.

15 Q What happened?

16 A I got sick.

17 Q Okay. How did you get sick?

18 A I took a shingles shot and got really,
19 really bad sick.

20 Q And when you said really bad sick, how
21 long did the sickness impact you?

22 A I think two months.

23 Q And then before this shot, what were
24 you doing for employment?

25 A Running a food trailer and a pawn

1 shop.

2 Q Okay. So I did see that reference in
3 your interrogatories, a food trailer. Is a food
4 trailer like a food truck or is this a trailer that
5 hauls food from place to place? What is a food
6 trailer?

7 A The one we had, it was a 24-foot
8 kitchen on wheels.

9 Q Okay. And would you drive it to
10 certain parking lots and open it up for people to
11 purchase food from you? Is that how it worked?

12 A Yes.

13 Q And what type of food would you make
14 in that trailer?

15 A Hamburgers, hot dogs, chicken strips,
16 chili, barbecue. I had a special every day.

17 Q How long did you run that business
18 with the food truck?

19 A Just a little over a year, like a year
20 and maybe two months.

21 Q Did it have a name?

22 A Yes. D&S Kitchens.

23 Q D&S Kitchens. What was D&S?

24 A Danny and Sharon.

25 Q And does the Danny reference your

1 husband?

2 A Yes.

3 Q So your husband was involved in that
4 business as well?

5 A Yes.

6 Q Were you co-owners in that business?

7 A Yes.

8 Q Where did you normally park it to
9 serve people?

10 A The last few months was at Waupaca,
11 mostly.

12 Q And what is Waupaca?

13 A It's a foundry. They made brake
14 parts.

15 Q So it was a factory where the
16 employees of that factory would come buy food from
17 you for lunch or -- is that how that normally worked?

18 A Yes.

19 Q Yeah. And what was the reason for --
20 well, when did you close the food trailer? Was that
21 the September 30, 2020, date?

22 A I wouldn't say we closed it until we
23 sold it.

24 Q Okay. When did you sell it?

25 A May of 2021.

1 Q Okay. I want to direct you to
2 Exhibit 1. And on page 6 of that document towards
3 the bottom, there is a question asked that's number
4 10. Do you see that?

5 A Yes.

6 Q And the question was about your
7 employment during the ten years preceding the motor
8 vehicle accident. And your answer to it is on the
9 next page, page 7. And in that response you said,
10 the third sentence, I closed the food trailer due to
11 illness in September 2020. Is that accurate?

12 A No.

13 Q Okay. Did you operate the food truck
14 after September 2020?

15 A No.

16 Q So your testimony is it wasn't
17 actually closed until it was sold, you told me
18 earlier, right?

19 A Yes.

20 Q But you didn't operate it or make any
21 money off of it as a food truck after September 2020,
22 right?

23 A That is correct.

24 Q Okay. And there in that response, the
25 illness you're referring to, is that the sickness

1 from the shingles shot that you mentioned earlier?

2 A Yes.

3 Q But you stopped operating the food
4 truck before the December 15th, 2020, collision,
5 right?

6 A I don't think I understand the
7 question.

8 Q Okay. Did you ever operate the food
9 truck between September 2020 and December 15th, 2020?

10 A No.

11 Q And prior to closing the food truck --
12 well, prior to no longer operating the food truck in
13 September 2020, what -- what was the monthly income
14 on average that you would receive from the food
15 truck?

16 A I don't -- I don't know exactly.

17 Q Can you give any sort of estimate?
18 I'm sure it varied.

19 A Yes. I would say 5,000, and that is
20 not an exact number.

21 Q Okay. And 5,000, would that be the
22 net what you received after cost or would that just
23 be the money made with cost coming out of that?

24 A I think that's going to be gross, I
25 think.

1 Q And then in terms of the expenses, can
2 you give a general percentage of how much of that
3 5,000 would go towards costs?

4 A Twenty-five percent approximately.

5 Q Okay. You also mentioned in your
6 response number 10 and I think to me earlier that you
7 ran a pawn shop as well, right?

8 A Yes.

9 Q What was the name of the pawn shop
10 that you ran?

11 A Etowah Pawn Shop.

12 Q Were you the owner of the pawn shop?

13 A Yes.

14 Q Were you the sole owner?

15 A Yes.

16 Q Where was it located?

17 A It's in Etowah.

18 Q What was the address?

19 A 1102 Tennessee Avenue.

20 Q And how long did you run that
21 business?

22 A Thirteen years.

23 Q How did you get into that business?
24 Like, what inspired you to own a pawn shop?

25 A I just -- I just liked doing that kind

1 of thing. I liked visiting them and buying stuff
2 from them, so...

3 Q Had you ever worked in a pawn shop
4 before owning one?

5 A No.

6 Q The premises where the pawn shop
7 existed, did you own that property or did you have to
8 rent the property?

9 A At first, I rented it, and then I
10 purchased it.

11 Q Around when did you purchase it?

12 A December of 2015.

13 Q And I'm going to direct you back to
14 Exhibit 1, that same response to number 10 that's on
15 page 7. You said, I also ran a pawn shop. I closed
16 the pawn shop due to COVID lockdown. Is that
17 accurate?

18 A Yes.

19 Q When did that take place?

20 A I do not know what month that
21 happened.

22 Q Okay. Would it have been before the
23 December 15th, 2020, collision?

24 A Yes.

25 Q And when you closed the pawn shop down

1 sometime prior to December 2020, what happens with
2 the inventory?

3 A It stayed there.

4 Q Okay. Did someone else just purchase
5 the business from you and start running it?

6 A No.

7 Q Tell me how that works, then.

8 A I sold all the contents in June of
9 this past year. I still own the building.

10 Q You still own the building now?

11 A Yes.

12 Q Does someone else rent the building
13 for running a different business?

14 A No.

15 Q Are you receiving any income from that
16 owned building currently?

17 A No.

18 Q So now the address, that building, is
19 essentially unused?

20 A Correct.

21 Q Okay. And you don't have to tell me
22 for 13 years, but if we look at the last couple of
23 years that you owned that pawn shop and that it was
24 still running, say 2019, 2020, could you estimate
25 what your monthly income was from that?

1 A No, not exactly, because it varies.

2 Q Okay. What would have been a good
3 month during that time frame?

4 A Six thousand.

5 Q Okay. And what would have been a bad
6 month? Hopefully not zero.

7 A Four thousand.

8 Q Okay. And is that -- again, is that
9 the gross or the net?

10 A Net.

11 Q Do you have a federal firearms license
12 as well?

13 A Not now.

14 Q You did at the time?

15 A I did.

16 Q When did you first obtain that?

17 A January of 2010.

18 Q And were you the sole person on that
19 license?

20 A Yes. That might not be exact.

21 Q Yeah. An estimate. That's your
22 recollection?

23 A (Nods head.)

24 Q And when did you -- when did that no
25 longer become active? Did you just not renew it?

1 A 2023. July of 2023.

2 Q And I'm assuming with that federal
3 firearms license your pawn shop involved firearm
4 sales?

5 A Yes.

6 Q Once -- once you no longer maintained
7 that federal firearms license as of July 2023, did
8 you still have firearm inventory?

9 A Not at that time.

10 Q How did you -- what did you do with
11 the firearm inventory prior to that time?

12 MR. KUHLMAN: Prior to the expiration
13 of the license?

14 MR. FAIR: Yes.

15 A I just sold it.

16 BY MR. FAIR:

17 Q Sold it?

18 A I sold everything that I didn't want
19 to keep.

20 Q And was that while the business was
21 still active or just afterwards when you were just
22 getting rid of the assets from the business?

23 A It was during the time of liquidating
24 the assets.

25 Q Did you ever receive a PPP loan --

1 A No.

2 Q -- for any of your businesses?

3 A No.

4 MR. KUHLMAN: I'll -- he is asking
5 questions. You're giving answers. Just remember to
6 let him finish his question before you give your
7 answer or she is going to start fussing at you.

8 MR. FAIR: She is very mean.

9 MR. KUHLMAN: This whole situation is
10 really out of hand if we could just take it down a
11 notch.

12 MR. FAIR: For sure.

13 BY MR. FAIR:

14 Q You also said in interrogatory
15 number 10 response that you might have been able to
16 reopen both of those businesses if not for your
17 injuries from the collision, right?

18 A Correct.

19 Q Which injuries from the collision
20 prevented you from reopening these businesses?

21 A My shoulder, my knee, and my back.

22 Q Okay. And you said shoulder, knee,
23 and back. Right, left, right?

24 A Left shoulder, right knee, and the
25 left side of my back.

1 Q Your only back?

2 A Yeah.

3 Q Left side. And how did those injuries
4 prevent you from reopening those businesses?

5 A Pain. I'm unable to rack a 1911
6 pistol because of the pain in my shoulder.

7 Q What about the food truck business?

8 A I was unable to even get up in the
9 food trailer. I couldn't gain entry to it.

10 Q Would that be more based on your knee
11 injury or all of it?

12 A I think it's all.

13 Q Okay. And then I apologize. The Lawn
14 Care and More business, you told me earlier that you
15 closed that down due to age in 2018. So that -- that
16 decision wasn't related to your injuries from the
17 motor vehicle collision to close that down?

18 A No.

19 Q All right. When were you -- at any of
20 these businesses, your pawn shop, food truck, Lawn
21 Care and More, were you ever employed as a W-2
22 employee?

23 A Yes. Gerald -- Gerald Kersey used to
24 give me a W-2.

25 Q Who is Gerald Kersey?

1 A He owned a -- he owned several
2 businesses there in Cleveland. And I do believe that
3 he could have been a -- an accountant or something.
4 I don't know that for a fact, but he owned several
5 businesses and I did all of the yards there.

6 Q Okay. So that was related to the lawn
7 care business?

8 A Yes.

9 Q Do you know how you spell his last
10 name?

11 A K-E-R-S-E-Y.

12 Q So let's look at today. What are your
13 sources of income today?

14 A Social security.

15 Q How much do you receive from social
16 security?

17 A Twelve-oh-nine.

18 Q And am I correct that part of that is
19 deducted for health insurance or is that what you
20 receive -- that's the money you receive?

21 A That's what I -- that's what I
22 receive.

23 Q That's per month?

24 A Yes.

25 Q What about your rental properties?

1 **What type of income do you receive from those?**

2 A I'll have to add it up.

3 Q **Okay.**

4 A I receive 1,300 from the house in
5 Bucks Pocket.

6 Q **Per month?**

7 A Yes. 675 from the house on 411; 525
8 from the apartment on 411; 1,200 from the one in
9 Englewood; and 800 from the tiny house.

10 Q **It's a tiny house?**

11 A Pardon me?

12 Q **You said it's a tiny house?**

13 A Yes.

14 Q **So I'm going to break out the**
15 **calculator here.**

16 MR. KUHLMAN: Thirty-four-fifty.

17 MR. FAIR: Well, I was adding the
18 disability money into that.

19 MR. KUHLMAN: Oh, okay.

20 BY MR. FAIR:

21 Q **So the total I receive -- the 1,209**
22 **disability, plus the five rental property amounts you**
23 **told me, the calculation I got was \$5,709 per month.**
24 **Does that sound about right to you? I'm not asking**
25 **you to confirm math, but --**

1 A I can't confirm that because I don't
2 know.

3 DANIEL STANFIELD: That's gross.

4 BY MR. FAIR:

5 Q Gross. Yes. I understand. And then
6 medical insurance, what -- what kind of medical
7 insurance do you have?

8 A UMR, UnitedHealth.

9 Q And is that a government-sponsored --
10 is that through TennCare?

11 A No.

12 Q Okay. How do -- how do you obtain
13 UMR? Is that just purchased through the --

14 A It's through the Iron Workers.

15 Q Through the Iron Workers?

16 A (Nods head.)

17 Q How are you -- how do you receive that
18 through the Iron Workers?

19 A My husband is an iron worker.

20 Q So you're on his insurance?

21 A Yes.

22 Q Okay. And is that the same insurance
23 you had in December 2020?

24 A Yes.

25 Q And you've told me that you do have --

1 you have received approval for social security
2 disability, correct?

3 A Yes.

4 Q When did you receive that?

5 A I think it was in June, but I was --
6 it was approved effective the date of the accident.

7 Q The -- I understand what you're
8 saying. You were given the approval of the
9 disability in June of 2023, but it backdated to the
10 date of the accident? That's what you're saying,
11 right?

12 A Yes.

13 Q And what was the basis of your
14 disability?

15 A Back injury, knee replacement,
16 shoulder, and a cyst in my brain.

17 Q Anything else?

18 A No.

19 Q I want to show you -- we have your
20 Social Security Administration records, and this
21 document was contained within there. And this was
22 one of the decisions from Social Security
23 Admission -- Administration as part of your process.
24 Do you see at the bottom of the first page of this
25 document, there is -- the last page before that says

1 you are unable to work because of -- and then it
2 lists numerous things. Do you see that?

3 A Yes.

4 Q Could you read what things are listed
5 on this document after you said you are unable to
6 work because of?

7 A Complications from COVID; torn
8 ligament in left shoulder; C7 vertebrae bulging;
9 14-15 bulging; torn meniscus, right knee; arthritis
10 in right knee; torn tendon in right foot; thyroid
11 storm; Hashimoto's; sleep apnea; COPD; brain fog;
12 anxiety; and heart problems.

13 MR. FAIR: Okay. Let's make that one
14 Exhibit 3.

15 (Whereupon, the document, as referred
16 to above, was marked and subsequently attached hereto
17 as Exhibit No. 3.)

18 BY MR. FAIR:

19 Q And of those conditions you just read,
20 you agree that not all these conditions are related
21 to your motor vehicle accident, correct?

22 A Yes.

23 Q There was also -- well -- so on
24 December -- let's look at December 14th, 2020, which
25 is the day before the accident.

1 A Yes.

2 Q What were your sources of income then
3 on that day?

4 A Just rental property.

5 Q Just the rental property at that
6 point? You had shut down the pawn shop, you had
7 stopped operating the food truck at that point,
8 correct?

9 A Yes.

10 Q In one of the requests for production,
11 which we don't have to look at, we had asked you to
12 produce your federal income tax returns for the
13 previous five years, and there was an objection.
14 But, first, I'll just ask, did you file your own
15 taxes during the past ten years?

16 A Yes.

17 Q You didn't have an accountant that
18 filed them for you? You filed your own?

19 A An accountant, yes.

20 Q An accountant filed yours. As a
21 business owner, did you keep those tax documents?

22 A No.

23 Q Okay. Did the accountant keep those?
24 Do you know where those are?

25 A I would think that the accountant has

1 them.

2 Q Okay. We -- in your social security
3 file, there was a document that had a summary of FICA
4 earnings for the years 2008 through 2023. I just
5 want to go through those years and just discuss with
6 you what your recollection of your sources of income.
7 First let's look at 2008. The earning -- the FICA
8 earnings for that year were zero. Do you see that on
9 this page?

10 A Yes.

11 Q Can you explain why the FICA earnings
12 would have been zero in 2008?

13 A No.

14 Q Okay. What were -- what were you
15 doing for work in 2008?

16 A Lawn care business.

17 Q And would the pawn shop have been
18 opened at that point, too?

19 A No.

20 Q What was the first year of the pawn
21 shop?

22 A I think 2009.

23 Q And then if we look at 2009 on this
24 document, the amount listed there is 8,102. Do you
25 see that?

1 A Yes.

2 Q Would that have been from the lawn
3 care business and from the pawn shop?

4 A Yes.

5 Q Okay. And does that -- does that
6 sound correct to you, that amount for 2009?

7 A No.

8 Q Okay. What is your recollection of
9 what should have been in 2009 --

10 A I don't know.

11 Q -- your earnings? Just not that?

12 MR. KUHLMAN: Hold on a second. Do
13 you need to take a break?

14 THE WITNESS: I do, because I need to
15 ask you something.

16 MR. FAIR: Well, we can take a break.
17 Yeah, just tell me.

18 (Whereupon, a short break was had.)

19 MR. KUHLMAN: I think in response to
20 these questions about reported FICA earnings, I think
21 her answer -- she can answer. But to the extent that
22 there is a difference between FICA-reported earnings
23 which are reported on a W-2 and the income reported
24 on her tax return, those are questions that are more
25 appropriately directed to an accountant for purposes

1 of determining whether or not she was properly
2 reported as a W-2 employee for certain businesses
3 versus whether or not she was generating business
4 income or other income that was not subject to FICA
5 withholdings.

6 BY MR. FAIR:

7 Q Sure. And really I'm -- I'm
8 wondering -- I'm asking these questions because I
9 wasn't provided tax returns as I requested. So I'm
10 asking you to provide me estimates of what your
11 income was for those years. And right now this is
12 all I have. And I understand these are FICA
13 earnings, so there is probably more than what's here.
14 But I just want to ask you, if you can, to provide an
15 estimate of what your income was for these years.

16 So if we're looking back at the year
17 2009, the FICA earnings on this was 8,102. What
18 would you estimate your total income was for that
19 year?

20 A Honestly, I can't answer that. I
21 don't know.

22 Q Okay.

23 A That's been a long time ago.

24 Q Yeah. And then, you know, if we just
25 look through these years generally, 2010, it's

1 also -- the FICA earnings are 8,631; 2011, 10,605;
2 2012, 9,430; 2013, 12,823; 2014, 9,669. So did I say
3 all those correct so far?

4 A Yes.

5 Q Okay. And your recollection, any W-2
6 earnings for those years would have related to your
7 lawn care business and the W-2s you received from
8 Mr. Kersey, right?

9 A Yes.

10 Q And then 2015, there is a difference
11 between these numbers leading up to this year, and
12 that is only listed 715. Do you know why that might
13 be?

14 A Yes.

15 Q Okay. Why would that be?

16 A I would say that it is because I was
17 winding down the lawn care business --

18 Q Okay.

19 A -- at that point.

20 Q Right. And then 2016, it's down to
21 zero, the FICA earnings. In 2017, 2,813; 2018,
22 4,908. Those are -- I said all those accurately,
23 right?

24 A Yes.

25 Q And would that still be attributed to

1 the winding-down process, those amounts?

2 A Yes.

3 Q Okay. And then 2019, the FICA is at
4 zero. And in 2020 it's at 33,047, which is quite a
5 bit different from all these other years. Do you
6 know why that would have been that amount in 2020?

7 A Yes.

8 Q Why is that?

9 A Food trailer.

10 Q So there was W-2 employment related to
11 the food truck to your recollection?

12 A No.

13 Q So you're unsure why this FICA
14 earnings would have been really on here?

15 A I didn't understand the question.

16 Q Okay. Do you know why \$33,047 in FICA
17 earnings would be listed for 2020?

18 A Earnings.

19 Q I understand. But you said you were
20 not a W-2 employee of the food truck. So do you have
21 any other explanation why there would be \$33,000 in
22 FICA earnings for the year 2020?

23 A No.

24 MR. FAIR: Okay. Let's make that one
25 Exhibit 4.

1 (Whereupon, the document, as referred
2 to above, was marked and subsequently attached hereto
3 as Exhibit No. 4.)

4 BY MR. FAIR:

5 Q And then back to -- I had asked about
6 health insurance earlier and you said you're on your
7 husband's health insurance. Do you pay premiums for
8 that health insurance?

9 A No.

10 Q Okay. And then on the taxes that you
11 file, do you file jointly with your husband or do you
12 file individually?

13 A Joint.

14 Q And has that been the case throughout
15 the -- you said five years of marriage?

16 A Yes.

17 Q I want to talk to you about your
18 medical history before the December 15th, 2020,
19 collision. And that covers a lot of things. So
20 first let's talk about social behaviors. Do you
21 smoke?

22 A No.

23 Q Have you ever been a smoker?

24 A No.

25 Q Drink alcohol on a regular basis?

1 A No.

2 Q Use drugs other than those prescribed
3 by a health care provider?

4 A No.

5 Q Do you wear glasses?

6 A No.

7 Q Do you wear contacts?

8 A No.

9 Q Do you know what your vision is?

10 A I think -- those are my reading
11 glasses.

12 MR. KUHLMAN: He -- listen carefully
13 to his question because do you wear glasses. You've
14 got glasses right here on the table. The answer has
15 got to be yes.

16 THE WITNESS: Yes.

17 BY MR. FAIR:

18 Q Okay. Do you -- you wear reading
19 glasses?

20 A Yes.

21 Q Do you wear any other corrective
22 lenses?

23 A No.

24 Q And do you know what your vision is?

25 A No.

1 Q Have you ever been prescribed
2 corrective lenses?

3 A Yes.

4 Q When were you last prescribed
5 corrective lenses?

6 A 1988.

7 Q And did you wear them for a period of
8 time after that prescription?

9 A Yes.

10 Q Did you stop at some point?

11 A Yes.

12 Q Why?

13 A I had surgery on my eyes.

14 Q Okay. You've had surgery to correct
15 your vision?

16 A Yes.

17 Q But you're not sure what your vision
18 is now?

19 A No.

20 Q When was your surgery to correct your
21 vision?

22 A 1989.

23 Q Okay. And no surgery since then on
24 your eyes?

25 A No.

1 Q Mental health history. There are some
2 references to anxiety. Is that accurate?

3 A Yes.

4 Q How long have you experienced anxiety?

5 A Since December 15th of 2020.

6 Q No history of anxiety before that?

7 A No.

8 Q How does this anxiety manifest itself
9 for you?

10 A Driving, loud noises.

11 Q Is that it? Any other times that it
12 manifests itself?

13 A No.

14 Q Okay. Are you currently receiving any
15 treatment for this anxiety?

16 A Just medicine.

17 Q What medicine?

18 A Citalopram.

19 Q And what type of medicine is
20 Citalopram?

21 A I don't know.

22 Q Okay. Who prescribes it?

23 A Cassandra Clendenen.

24 Q I might need help with that name.
25 Cassandra with a C?

1 A Yes.

2 Q And what's that last name again?

3 A Clendenen, C-L-E-N-D-E-N-O-N (sic).

4 Q And is that a medical doctor or a
5 mid-level provider?

6 A I think she is a nurse practitioner.

7 Q Where is she employed?

8 A Erlanger.

9 Q Does she provide other treatment for
10 you beyond that medication?

11 A She is my primary care.

12 Q There are records that we obtained
13 from a family practice as well that you saw for a
14 long time. Is that no longer your primary care
15 provider?

16 A It is not.

17 Q When did that change?

18 A About a year ago.

19 Q Okay. Since about a year ago,
20 Ms. Nurse Clendenen has been your primary care
21 provider at Erlanger?

22 A Yes.

23 Q I've seen some references to -- well,
24 sorry. Let me strike that question.

25 Were you receiving any treatment for

1 anxiety before December 15th, 2020?

2 A No.

3 Q I've seen some references to
4 post-traumatic stress disorder.

5 A Yes.

6 Q Is it your understanding that you have
7 that condition?

8 A Yes.

9 Q Who has diagnosed you with that
10 condition?

11 A Kate Walter.

12 Q And who is Kate Walter?

13 A She is the nurse practitioner that
14 worked for the family practice.

15 Q And when did she make this diagnosis?

16 A Within a few days of the wreck. I
17 don't know what date.

18 Q And did she provide you any treatment
19 for that diagnosis?

20 A Citalopram.

21 Q Any other mental health history other
22 than anxiety --

23 A No.

24 Q -- and PTSD? And we have obtained
25 medical records from some of your providers. And I

1 just want to go through some of the conditions that
2 were listed just to get an understanding of those
3 conditions and how long you have experienced them,
4 one of which is Hashimoto's thyroiditis. What --
5 when were you first diagnosed with that?

6 A I don't know. I -- I don't know the
7 date.

8 Q Can you give a general year of when
9 you think that was?

10 A Probably 2019.

11 Q And what symptoms do you experience
12 with that condition?

13 A A little bit of hand shaking, night
14 sweats, cold -- intolerance to cold, my fingers turn
15 white.

16 Q And what medical provider diagnosed
17 you with that condition?

18 A Kate Walter.

19 Q And what treatment do you receive for
20 that condition?

21 A It's called Synthroid. Levothyroxine
22 is the one that I take.

23 Q That's a medication?

24 A Yes.

25 MR. FAIR: Good luck with that one.

1 BY MR. FAIR:

2 Q Do you know how to spell that?

3 A No.

4 Q Okay. That's okay. Another condition
5 listed is high blood pressure?

6 A Yes.

7 Q How long have you experienced that?

8 A Probably a couple years.

9 Q Couple years from now?

10 A Yeah. I would say probably 2018
11 originally. And then I got off of the medicine, and
12 then now I'm back on some medicine.

13 Q Okay. Who originally diagnosed that?

14 A Kate Walter.

15 Q Do you know what medicine you were
16 taking for it?

17 A Right now I take 20 milligrams of
18 Olmesartan and 25 milligrams of Hydralazine.

19 Q And is that different from what you
20 had taken before getting off of the medication?

21 A Yes.

22 Q Do you remember what you were taking
23 before?

24 A It's initials HCTZ,
25 hydrochlorothiazide or something like that.

1 Q And do you experience any symptoms
2 with your high blood pressure?

3 A No.

4 Q Did you ever at one point?

5 A Flushing in the face. That's about
6 it.

7 Q COPD?

8 A Yes.

9 Q How long have you had that condition?

10 A Diagnosed in 2020.

11 Q What month of 2020?

12 A September, I would say.

13 Q And what symptoms do you experience
14 with COPD?

15 A Shortness of breath.

16 Q And what medical provider first
17 diagnosed that?

18 A Kate Walter.

19 Q And do you receive any treatment for
20 that?

21 A Yes.

22 Q What's that?

23 A Albuterol.

24 Q Is that the inhaler?

25 A Yes. And Trelegy.

1 Q Are both of those inhaler medications?

2 A Yes.

3 Q Prediabetes?

4 A Yes.

5 Q Do you know when that was first
6 diagnosed?

7 A Probably a year ago.

8 Q By whom?

9 A Asma Khan. Dr. Khan.

10 Q What type of medical provider is
11 Dr. Khan?

12 A She is an endocrinologist.

13 Q And what -- were there certain
14 symptoms you were experiencing that led to that
15 diagnosis?

16 A No.

17 Q Are you under any treatment for that
18 diagnosis?

19 A No.

20 Q Chronic kidney disease?

21 A Yes.

22 Q When were you first diagnosed with
23 that?

24 A March of this year.

25 Q Okay.

1 A Approximately.

2 Q And what symptoms do you experience
3 with chronic kidney disease?

4 A Just pain urinating and not a lot of
5 urine.

6 Q And which provider diagnosed that?

7 A Dr. Iqbal.

8 Q Is that a --

9 A He is a nephrologist.

10 Q Do you know how to spell his name?

11 A Uh-huh. I-Q-B-A-L.

12 Q And did you seek out nephrologist care
13 based on those symptoms you mentioned earlier, the
14 urinary pain and the --

15 A No.

16 Q Okay. How did you seek out
17 nephrologist care?

18 A When they did my blood work, my kidney
19 function -- there is two or three things that they --
20 they looked at. And they sent me to -- Dr. Cassie
21 sent me to Dr. Iqbal.

22 Q Okay. So the "they" who did your
23 blood work was Erlanger, Dr. Cassandra Clendenen?

24 A Yes.

25 Q And are you relating chronic kidney

1 disease to the motor vehicle accident?

2 A No.

3 Q There is also a reference to a liver
4 cyst?

5 A Yes.

6 Q Okay. When was that first discovered?

7 A December 15th of 2020.

8 Q Okay. How was it discovered?

9 A They did some kind of a scan like a CT
10 scan, and they -- they said that on the CT scan.

11 Q Was that -- were you told that was an
12 incidental finding of that scan?

13 A Yes.

14 Q That was at UT?

15 A Yes.

16 Q And are you relating that to the motor
17 vehicle accident?

18 A No.

19 Q There are references to you having
20 COVID-19 soon before the motor vehicle accident; is
21 that correct?

22 A Yes.

23 Q Okay. And we also looked at the
24 Social Security Administration records, and there was
25 a reference to complications of COVID-19 as part of

1 your disability claim, right?

2 A Yes.

3 Q What residual effects from COVID-19 do
4 you experience?

5 A The kidney issue, the heart issue, and
6 the COPD.

7 Q Okay. What is the heart issue?

8 A I have inflammation on the top
9 right-hand portion of my heart.

10 Q Okay. Do you experience chronic
11 fatigue as a residual effect of the COVID-19?

12 A Yes.

13 Q Do you experience memory loss as a
14 residual effect?

15 A I believe I do have memory loss, yes.

16 Q And then do you experience labored
17 breathing upon exertion --

18 A Yes.

19 Q -- from COVID-19? Tell me about the
20 memory loss symptom. How long have you had that?

21 A Not very long. I think it's more like
22 a fog. Like if I wake up in the middle of the night,
23 I think it's more like a fog.

24 Q And when you say not very long, when
25 do you believe this condition started?

1 A A year ago.

2 Q Okay. And when you say it's like a
3 fog, help me understand that a little better, what
4 that means.

5 A I don't think I can explain it. Like,
6 whenever I wake up in the middle of the night, it's
7 like I -- it's almost like I can't remember exactly
8 which side of the bed I'm on, and I always sleep on
9 one side of the bed. I can't really explain it.

10 Q And has a medical provider related
11 that to the COVID-19?

12 A Yes.

13 Q Okay. What about migraine headaches?
14 How long have you experienced those?

15 A Since a couple months after the wreck.
16 I would say probably February of 2021.

17 Q You didn't experience migraine
18 headaches before the collision?

19 A I did back when I was a child, back
20 when I was a teenager, but I hadn't had any for 35 or
21 40 years.

22 Q Okay. I saw a reference in the Social
23 Security Administration records that you had
24 experienced migraines since your early 20s. You
25 don't agree with that?

1 A No.

2 Q There was also a reference -- well,
3 sorry. Strike that.

4 Are you receiving any treatment for
5 your migraine headaches?

6 A Yes.

7 Q What treatment?

8 A Nurtec and ZAVZPRET. And I don't know
9 how to spell that.

10 Q Is that an as-needed treatment or is
11 that a regular treatment?

12 A It's an as needed.

13 Q And who prescribes that?

14 A Kimberly Smith.

15 Q And what kind of provider is Kimberly
16 Smith?

17 A She is a neurologist.

18 Q Okay. There was a reference in your
19 medical records to a cyst in your brain.

20 A Yes.

21 Q Are you relating this to the
22 collision?

23 A I do.

24 Q Okay. Has a medical provider related
25 it to the collision?

1 A No.

2 Q Okay. What symptoms have you
3 experienced from the cyst in your brain?

4 A The headaches.

5 Q So you relate that to the migraine
6 headaches?

7 A Yes.

8 Q That restarted after the collision
9 from long ago, right?

10 A Yes.

11 Q Has a medical provider evaluated
12 whether the cyst in the brain is causing the migraine
13 headaches?

14 A No.

15 Q How was the cyst in your brain
16 discovered to your knowledge?

17 A From an MRI.

18 Q Who -- when was that MRI? Where was
19 that?

20 A April of 2021 and Kent Childs.

21 Q And what type of provider is Kent
22 Childs?

23 A He is an OB/GYN.

24 Q What -- he did an MRI of your brain?

25 A Yes.

1 Q An OB/GYN?

2 A Yes.

3 Q What was the reason for that at the
4 time?

5 A Headaches.

6 Q Okay.

7 A I want to tell you something.

8 Q Oh, sure, please.

9 A He thought that I had a pituitary
10 gland problem, and he found the cyst in my brain.

11 Q I see. Okay. Has there been any
12 discussion of any sort of procedure to remove or
13 drain the cyst?

14 A It's inoperable.

15 Q What about the liver cyst? Are there
16 any procedures planned for that?

17 A No.

18 Q Are you aware of a diagnosis of
19 plantar fasciitis?

20 A I think I have it, but, no, nobody has
21 ever told me that.

22 Q No one has diagnosed that to your
23 knowledge?

24 A No.

25 Q Okay. All right. So tell me about

1 low back pain. How long have you experienced that?

2 A Since the wreck.

3 Q Okay.

4 A December of 2020.

5 Q So you didn't experience any low back
6 pain before the wreck?

7 A No.

8 Q Okay. Is it your understanding that
9 you were diagnosed with degenerative disk disease in
10 your back?

11 A Yes.

12 Q Do you know what the term degenerative
13 means?

14 A Not exactly, no.

15 Q What's your general understanding of
16 what that means?

17 A It happens over time.

18 Q Okay. If we go back to Exhibit 1,
19 page 9, we asked the question number 14 if you have
20 had any preexisting problems prior to the injuries in
21 your complaint. And after an objection your response
22 was, I had some arthritis in my back prior to the
23 collision. Tell me about your history of arthritis
24 in your back.

25 A It just -- I felt like I just had

1 something going on in my back and especially when it
2 was cold. No one told me I had that. I just --

3 Q You were never diagnosed with
4 arthritis?

5 A No.

6 Q It's just your belief you had
7 arthritis?

8 A Yeah.

9 Q When did that start?

10 A I don't know. Probably five or
11 ten years ago. I don't -- I don't know.

12 Q And how did it manifest itself? You
13 said there was pain when it was cold. Anything else?

14 A No.

15 Q What's your understanding of the
16 condition bulging lumbar disks? Have you been told
17 you have that?

18 A I have, yes.

19 Q Tell me what you understand about that
20 condition.

21 A That there is a decrease in the
22 material that separates your bones, that mine is
23 decreased.

24 Q And do you relate that to the motor
25 vehicle collision?

1 A Yes.

2 Q Has a medical provider related that to
3 the collision?

4 A Yes.

5 Q Which provider?

6 A Dr. Lowry.

7 Q And what kind of provider is that?

8 A He is an orthopaedic doctor
9 specializing in the shoulder and the back.

10 Q Does he provide any treatments for
11 that condition?

12 A Yes.

13 Q What treatments?

14 A I've had numerous injections in my
15 back. I've had facet injections in my lower back. I
16 think methocarbamol also came from him originally.

17 Q Is he at Erlanger?

18 A He is, yes.

19 Q How does your low back pain affect you
20 on a daily basis?

21 A It's difficult to pick stuff up, and
22 it just hurts. My lower back just hurts.

23 Q It's just a constant pain?

24 A Yes.

25 Q Is it hurting right now?

1 A Yes.

2 Q Another -- another reference is right
3 knee pain.

4 A Yes.

5 Q Is it your understanding that you have
6 osteoarthritis in your right knee?

7 A I haven't -- they didn't tell me that.

8 Q You have not been told that by a
9 medical provider?

10 A (No response.)

11 Q What about the condition bursitis in
12 the right knee? Have you been told that?

13 A No.

14 Q So you have no understanding of those
15 conditions as it relates to you?

16 A No.

17 Q Osteoarthritis or bursitis? There is
18 also a reference to a peripheral tear of the medial
19 meniscus.

20 A Yes.

21 Q Are you aware of that condition?

22 A Yes.

23 Q What's your understanding of how that
24 occurred?

25 A From the accident.

1 Q Okay. The 12/15/20 collision?

2 A Yes.

3 Q And what -- what physicians are
4 treating you for this condition?

5 A Currently, Mark Freeman.

6 Q Okay. Is that also an orthopaedic
7 surgeon?

8 A Yes.

9 Q At Erlanger?

10 A Yes.

11 Q So he is handling the knee piece and
12 Dr. Lowry is handling the back piece?

13 A Yes.

14 Q Have you undergone any treatment on
15 your right knee?

16 A Yes.

17 Q What treatment?

18 A I had numerous injections, and then I
19 had a total knee replacement which has now failed.
20 I've been on this walker now for nine months.
21 Dr. Jeremy Bruce did the original knee replacement,
22 and now we have Dr. Freeman.

23 Q Do you have any understanding as to
24 the cause of the failure of that replacement?

25 A No.

1 Q Is there a plan for additional
2 surgery?

3 A Yes.

4 Q Is that scheduled?

5 A Yes.

6 Q When is that scheduled?

7 A December 15th.

8 Q That's not the greatest date, but I
9 understand. It's coming up at least. And what is
10 the surgery that's planned on December 15th?

11 A Removal of the portion of my knee that
12 has been replaced and a new one put in.

13 Q Is it believed that there is infection
14 in your knee to your understanding?

15 A Originally, yes, but we don't think
16 that now.

17 Q Okay. And how do your knee problems
18 affect you on a daily basis?

19 A I can't walk. It affects everything
20 about me.

21 Q Before the knee replacement surgery
22 that you underwent previously, were you able to walk
23 on that knee?

24 A I could walk, yes.

25 Q And you may have said this. I

1 apologize if you did. When was that knee replacement
2 surgery?

3 A March 7th of 2023.

4 Q And then left shoulder pain. Tell me
5 when that started.

6 A The wreck, December the 15th, 2020.

7 Q And what's your understanding of the
8 condition in your left shoulder?

9 A I have bulging disks in my neck and a
10 pinched nerve in my shoulder.

11 Q Are you familiar with the condition
12 subacromial bursitis?

13 A No.

14 Q It's not your understanding that you
15 have that condition?

16 A I have never heard that before.

17 Q Have you been informed that you have
18 biceps tendinitis?

19 A No.

20 Q Have you been informed that you have
21 left rotator cuff disorder?

22 A No.

23 Q And you relate all of your left
24 shoulder pain to the accident, correct?

25 A Yes.

1 Q Did you have any left shoulder pain
2 prior to the accident?

3 A No.

4 Q How does this left shoulder pain
5 affect you on a daily basis?

6 A My arm goes numb and I just have pain
7 in it.

8 Q Does it go numb just sitting normally
9 or is it in certain positions that you're in where it
10 goes numb?

11 A Sitting normally, yes. It just goes
12 numb.

13 Q Yeah. Where does the numbness end?

14 A Right here.

15 Q Okay. It doesn't go all the way down
16 your arm?

17 A No.

18 Q And then right ankle pain. Do you
19 have right ankle pain?

20 A Not anymore.

21 Q Okay. Did -- at one point did you?

22 A Yes.

23 Q When did that start?

24 A The day of the wreck.

25 Q When did that end?

1 A Probably March.

2 Q March of 2021?

3 A Yes.

4 Q Were you told of any condition in your
5 right ankle that was causing that pain?

6 A I had an MRI and it revealed that I
7 had a broke bone and a -- some kind of a tear or a
8 tendon or something.

9 Q Did you receive any treatment for
10 that?

11 A Yes.

12 Q What treatment?

13 A I wore a little boot on my foot,
14 especially at night.

15 Q Okay. Just briefly want to cover
16 surgeries that you have undergone. We talked about
17 the right knee surgery in March of this year. My
18 understanding from the records, you had a previous
19 partial hysterectomy, correct?

20 A I had a total hysterectomy.

21 Q Total. I saw partial somewhere. So
22 total hysterectomy?

23 A Yes.

24 Q You had your gallbladder removed?

25 A Yes.

1 Q When was that?

2 A November of 2022.

3 Q That was Dr. Dunn?

4 A Yes.

5 Q Tennova?

6 A Yes.

7 Q Do you agree that -- well, what was
8 the condition that caused you to have your
9 gallbladder removed, to your understanding?

10 A He said it was just defective. It --
11 I was vomiting, just all kinds of stuff going on with
12 my belly. Just pain in my stomach.

13 Q And you're not relating that to the
14 collision?

15 A Oh, no.

16 MR. KUHLMAN: The hysterectomy is.

17 MR. FAIR: Okay.

18 MR. KUHLMAN: Spencer, we've been
19 going about an hour and 15 minutes. Do you mind if
20 we take --

21 MR. FAIR: Don't mind.

22 MR. KUHLMAN: -- a break?

23 MR. FAIR: Yeah.

24 (Whereupon, a short break was had.)

25 //

1 BY MR. FAIR:

2 Q When we -- right before we took a
3 break I was asking you about surgery history and we
4 discussed your complete hysterectomy, your right knee
5 surgery in March of this year, and your gallbladder
6 removal in November of 2022. Any other surgeries
7 that you have had at least in the last ten years?

8 A No.

9 Q Okay.

10 A No.

11 Q All right. I'm going to show you a
12 few records here from the family practice provider.
13 This first one is from a visit on November 2nd, 2020.
14 And this was a month and a half before the collision.
15 Does that appear to be that record to you? Do you
16 see the visit date?

17 A Yes.

18 MR. FAIR: Okay. Let's go ahead and
19 mark that one 5 and we'll talk about it a little bit.

20 (Whereupon, the document, as referred
21 to above, was marked and subsequently attached hereto
22 as Exhibit No. 5.)

23 BY MR. FAIR:

24 Q So it looks like the reason for this
25 visit relates to your COVID diagnosis. Does that

1 appear to be correct?

2 A Yes.

3 Q And here there are -- I'm sorry.
4 There is a past medical history on the first page.
5 Do you see that?

6 A Yes.

7 Q The conditions listed on that date:
8 Hypothyroid, hypertension, hyperlipidemia, elevated
9 liver enzymes, Vitamin B-12 deficiency, Vitamin D
10 deficiency, prediabetes, Hashimoto's thyroiditis, and
11 COVID-19. Did I read those correctly?

12 A Yes.

13 Q And it looks like your complaint is
14 that you're still experiencing symptoms from COVID at
15 this time, correct?

16 A Yes.

17 Q Do you remember this visit with the --
18 with your provider?

19 A Yes.

20 Q Okay. That day -- if you look at the
21 last page of Exhibit 5, there is a -- there is some
22 prescriptions given to you that day. Do you see that
23 on the third page?

24 A Yes.

25 Q And the third -- the third

1 prescription given to you that day, cyclobenzaprine.

2 And it says PRN for back pain, right?

3 A Yes.

4 Q What back pain would you have been
5 experiencing November 2020?

6 A I don't remember.

7 Q Okay. But do you dispute that you
8 were given a medication for back pain that day?

9 A I do not dispute that, no.

10 MR. FAIR: All right. We'll move on
11 to the next one. We'll go ahead and make that
12 Exhibit 6.

13 (Whereupon, the document, as referred
14 to above, was marked and subsequently attached hereto
15 as Exhibit No. 6.)

16 BY MR. FAIR:

17 Q This is 11 -- November 4, 2020, date
18 with your family provider, correct?

19 A Yes.

20 Q And this -- in the history of present
21 illness section, you state that you were having
22 lingering shortness of breath. Do you see that?

23 A Not yet, but I will.

24 Q Okay.

25 MR. KUHLMAN: You want to rephrase

1 it?

2 MR. FAIR: Sure.

3 BY MR. FAIR:

4 Q Within the history of present illness
5 section, COVID-19 follow up. It's a follow up from
6 the COVID infection. The second sentence says,
7 States SOB -- which I assume means shortness of
8 breath --

9 A Yes.

10 Q -- and not something else -- has
11 lingered. Feel like I cannot get a full breath.
12 Does that -- does that appear correct to you?

13 A Yes.

14 Q Do you remember having those symptoms
15 at that time?

16 A Yes.

17 Q Tell me what you remember about those
18 symptoms.

19 A I remember I was coughing a lot. And
20 when I walked, I couldn't get a full breath in.

21 Q Uh-huh. And then towards the end of
22 that same section it says, Numbness to hands, legs,
23 tingling, my feet and hands look white and blue, and
24 legs and feet feel really cold. Did I read that
25 correctly?

1 A Yes.

2 Q Do you remember having those
3 conditions at that time?

4 A Yes.

5 Q Tell me what you remember about those
6 other than what it says.

7 A I remember my hands were turning that
8 white color and then they would be blue. And we both
9 think that it could have been related to the
10 Hashimoto's.

11 Q We both, you and your provider?

12 A Yes.

13 Q Also, just below that paragraph there
14 is another paragraph that says, Hypertension FU,
15 which I assume means follow up.

16 A Yes.

17 Q Do you see that?

18 A Yes.

19 Q The first sentence: Patient reports
20 having other symptoms such as shortness of breath and
21 visual changes. Did I read that correctly?

22 A Yes.

23 Q Do you remember experiencing visual
24 changes at that time?

25 A No.

1 Q You don't have any recollection of
2 that so you couldn't describe what those changes
3 were?

4 A No.

5 Q And then at the end of that same
6 paragraph it says that you felt a bit dizzy?

7 A Yes.

8 Q Do you remember feeling dizzy at that
9 time?

10 A Yes.

11 Q Tell me what you remember about that.

12 A I remember my blood pressure was
13 really low and heart rate kind of low and I was a
14 little bit dizzy.

15 Q Yeah. Were there certain moments that
16 you felt dizzier than others like when you stood up?

17 A Yes. Standing up.

18 Q That was the main time. Okay. And
19 then on the last page for the dyspnea -- which I
20 think that's the shortness of breath. I think that's
21 just a fancy way of saying that.

22 A Yes.

23 Q They ordered a CT scan of your chest,
24 right?

25 A Correct.

1 Q Do you remember that being ordered?

2 A Yes.

3 Q And then one more from the PCP.

4 MR. KUHLMAN: Was that -- were we
5 on -- was that 6?

6 MR. FAIR: That was Exhibit 6 and
7 that was the 11/4 visit date. And then we'll go
8 ahead and mark that 7 for me.

9 (Whereupon, the document, as referred
10 to above, was marked and subsequently attached hereto
11 as Exhibit No. 7.)

12 BY MR. FAIR:

13 Q So this -- what we marked as Exhibit 7
14 has an 11/5/2020 visit date, correct?

15 A Yes.

16 Q And that would have been the day after
17 Exhibit 6. And it's a followup from your chest CT
18 scan, right?

19 A Yes.

20 Q According to the COVID-19 followup
21 paragraph on the first page, you state that you're
22 still having the shortness of breath. Do you
23 remember that?

24 A Yes.

25 Q And then if we go to the last page of

1 that, the assessment for the dyspnea, the shortness
2 of breath, this -- the second sentence says, The CT
3 chest does show ground glass patches throughout
4 bilateral lungs. Radiologist stated DD -- I don't
5 know what DD is -- COVID-19-induced pneumonia. Do
6 you remember being diagnosed with pneumonia?

7 A Yes.

8 Q And the plan was you were advised to
9 go to the closest emergency room?

10 A Yes.

11 Q Do you recall that?

12 A Yes.

13 Q Did you go?

14 A Yes.

15 Q Where did you go at that time?

16 A CHI Memorial.

17 Q Where is that located?

18 A It's in Chattanooga. I would say
19 that's north, northeast.

20 Q Okay. Do you remember how long you
21 were there for that visit?

22 A Several hours.

23 Q Several hours. And do you remember
24 what treatment you received?

25 A Breathing treatment. I think that's

1 all.

2 Q Okay.

3 A Isolation and a breathing treatment.

4 Q All right. I think we're done with
5 that now. So that was November 5th, 2020. And we're
6 going to -- we're going to now go forward towards the
7 time of the accident, a month and ten days after
8 that. And let's talk a little bit about just your
9 history with driving. Have you ever had any other
10 motor vehicle collisions?

11 A Yes.

12 Q How many would you estimate you have
13 had?

14 A Two.

15 Q When would those other two have
16 occurred?

17 A 2005 and 2022.

18 Q Okay.

19 A No, no, no. 2020.

20 Q Do you remember when -- around when in
21 2020 that second one occurred?

22 A I think it was in February.

23 Q And the 2005 accident, do you remember
24 when that -- where that was? I'm sorry.

25 A I know where it was, yes.

1 Q Where was it?

2 A It was on Georgetown Road at 17th
3 Street.

4 Q Is that in Athens?

5 A Oh, no. I'm sorry. It's in
6 Cleveland. No.

7 Q In Cleveland. Okay. And then the
8 February 2020 accident, do you remember where that
9 was?

10 A Yes.

11 Q Where was that?

12 A In my driveway.

13 Q Okay. What did you hit in your
14 driveway?

15 A I didn't hit anything.

16 Q What was hit -- what was the
17 collision? Explain it to me.

18 A I was turning on -- off of Highway 30
19 into my driveway, and a vehicle come off the road and
20 hit me in my driveway. He hit the front of my truck.

21 Q A vehicle came off of Highway 30?

22 A Yes.

23 Q Was the truck you were driving then
24 the same truck involved in the December 15th --

25 A No.

1 Q -- accident? What type of truck was
2 that?

3 A 2013 F-150 pickup.

4 Q Okay. Have you ever been cited as the
5 person at fault in a collision?

6 A No.

7 Q What happened in the 2005 accident?

8 A I was sitting on Georgetown Road
9 waiting for cars to turn to the left. There was a
10 couple of cars in front of me and a vehicle come
11 across the hill and hit me in the rear end.

12 Q Okay. Have you ever been cited for
13 any moving traffic violations?

14 A Yes.

15 Q How many would you estimate you have
16 been --

17 A One.

18 Q What was the citation?

19 A Speeding.

20 Q Okay. When was that?

21 A 1998.

22 Q I know you're making faces as if you
23 have done something wrong, but I'm sure if we look
24 around this room, we can all relate to that. 1998
25 for speeding. Do you remember --

1 MR. KUHLMAN: Assumes facts not in
2 evidence.

3 MR. FAIR: Sure.

4 BY MR. FAIR:

5 Q Do you remember what speed you were
6 told you were going and what type of speed zone?

7 A Yes.

8 Q What was it?

9 A I was running 98 miles an hour in a
10 55.

11 Q Where was this located?

12 A Harrison Pike. Not Harrison Pike.
13 Highway 58 in Harrison.

14 Q And would you agree you were going
15 that speed?

16 A Yes.

17 Q What was the reason for that speed?

18 A I was happy.

19 Q Okay. Have you ever been injured as a
20 result of a different motor vehicle collision?

21 A Yes.

22 Q Which one were you injured in?

23 A The 2005.

24 Q What kind of injuries did you
25 experience?

1 A It made my neck hurt. I was hit in
2 the rear end. It just made my neck hurt.

3 Q Did you have to go to the hospital?

4 A No, I did not go to the hospital.

5 Q And did you receive any treatment that
6 you recall?

7 A Chiropractor.

8 Q Did you receive any money from either
9 of those accidents?

10 A Yeah. Yeah.

11 Q Any recollection of the amount?

12 A \$10,000. I don't know.

13 Q Which one or both?

14 A The one in 2005.

15 Q The one where you had the injury?

16 A Yes.

17 Q You believe you received around
18 \$10,000. And did you have to file a lawsuit or was
19 that just a settlement of the --

20 A Settlement.

21 Q -- insurance? Now, we discussed
22 earlier that your home now and at the time is very
23 close to the scene of the collision, right?

24 A Yes.

25 Q How far would you say it is from

1 there?

2 A It's 1.8 miles there and back.

3 Q And you have lived there for six
4 years?

5 A Yes.

6 Q Agree that you're very familiar with
7 Highway 30?

8 A Yes.

9 Q What about the turn -- the road
10 intersecting? Are you familiar with that road? Do
11 you use that road for any frequent reasons?

12 A The intersecting?

13 Q The road that intersects with
14 Highway 30 that the military driver was -- let me
15 just strike the question.

16 That intersection, do you utilize that
17 intersection very often?

18 A No.

19 Q Do you have familiarity with the
20 military field maintenance shop off of Highway 30?

21 A I know where it's at, yes.

22 Q Is it -- is it unusual to see military
23 vehicles on that highway?

24 A It is very unusual.

25 Q Okay. If we go back to the month

1 before the collision, walk me through just like a
2 normal day in your life. What was -- what would you
3 do on a normal day?

4 A Get up, take care of the dogs,
5 straighten the house up. I was still recovering from
6 the COVID one month before that, but I was getting
7 better. I was getting much better.

8 Q Okay. What were your hobbies at that
9 time?

10 A I don't think I had any hobbies.

11 Q Okay. When you aren't working --
12 well, I shouldn't say aren't. At the time when you
13 weren't working, what would you do with your spare
14 time?

15 A Danny and I go to auctions, shooting
16 range, Gatlinburg, going to visit my family, going to
17 visit our stepson, that kind of stuff.

18 Q Now let's actually talk about December
19 15th, 2020.

20 A Yes.

21 Q What vehicle were you driving that
22 day?

23 A A Dodge 3500 Ram.

24 Q And how long had you driven that
25 vehicle prior to that day?

1 A A year and four months, ever how long
2 we had it.

3 Q Was that your primary vehicle?

4 A No.

5 Q What was your primary vehicle at the
6 time?

7 A A 2011 Ford Mustang GT.

8 Q Why were you driving that -- the Dodge
9 that day?

10 A I had several things to take to my
11 mom's. I was going to see my mom. I hadn't seen her
12 for several months, and I had accumulated several
13 things to take to her and I was headed to see her. I
14 almost left in the Mustang, and then I changed my
15 mind and I moved all the stuff into the Dodge and I
16 drove it.

17 Q Where does your mom live?

18 A She lives in Linsdale. She lives
19 about 14 or 15 miles from our house.

20 Q Okay. How was the weather that day?

21 A Beautiful.

22 Q About what time was it for the
23 collision?

24 A 9:45-ish in the morning.

25 Q So what time did you get up that

1 morning or what time would you normally get up on a
2 morning like that?

3 A About 7:30 that morning.

4 Q So walk me through what you did that
5 morning prior to leaving that you can recall.

6 A I took the dogs out. I moved all the
7 stuff from the Toyota over to the Dodge, and I talked
8 to my neighbor because they were just moving in, and
9 then I left.

10 Q What was the -- what neighbor? What
11 was that person's name?

12 A Amy.

13 Q Amy?

14 A Amy, A-M-Y.

15 Q Sorry. Do you know her last name?

16 A I do know her last name, but I can't
17 say it. It's Guillot or something like that. She is
18 from --

19 Q Unsure how you say it?

20 A Yeah. I know how to spell it.

21 Q Starts with a G?

22 A Yeah.

23 Q How do you spell it?

24 A G-U-I-L-L-O-T.

25 Q Okay. Kind of a Louisiana flair, it

1 sounds like?

2 A Yes, sir.

3 Q And so you were leaving your house at
4 the time of the accident?

5 A Yes.

6 Q And you were going to your mother's
7 in -- what was the name of that town?

8 A Linsdale.

9 Q Linsdale. Were you utilizing your
10 cell phone in any manner at the time of the
11 collision?

12 A No.

13 Q What was your phone number on that
14 day?

15 A (423) 505-9918.

16 Q And what was your mobile carrier?

17 A Verizon.

18 Q Is that -- do you still have the same
19 number and carrier?

20 A Yes.

21 Q Okay. So in as much detail as
22 possible, I want you to just tell me in your own
23 words what happened with the collision.

24 A I left my house, went toward Etowah,
25 which is southeast, I believe. I saw the military

1 vehicle. He was already on Highway 30 whenever I
2 pulled out. We got up close to where the accident
3 happened and a vehicle pulled out onto Highway 30. I
4 moved over into the left-hand lane. He still was in
5 the right -- and I'm talking about the military
6 vehicle was still in the right-hand lane. And that
7 car made a U-turn and turned around and went back
8 toward Athens.

9 I got up closer to where the military
10 vehicle was. He made a right-hand turn and
11 immediately made a left-hand turn and drove straight
12 into the side of my vehicle.

13 Q So it's your testimony that he was not
14 in the left lane at any time?

15 A Not until he was crossways of the
16 road.

17 Q What would you estimate your vehicle
18 speed at the time of the collision?

19 A I would say 45 to 50 miles an hour.

20 Q And what's the speed limit there?

21 A Fifty-five.

22 Q And could you estimate what his speed
23 was at the time?

24 A Not very fast.

25 Q Considerably slower than 45 to 50,

1 would you guess?

2 A I would say probably 35 to 45.

3 Q Could you estimate about how far your
4 vehicle was from the military vehicle at the time he
5 started his turn?

6 A Maybe 75- to 100-foot. I don't really
7 know, but that's what -- a few car lengths.

8 Q And is it your testimony that you
9 remained in the left lane the entire time?

10 A Yes.

11 Q At any time did you enter the turning
12 lane at the intersection?

13 A No.

14 Q Do you know if the military vehicle
15 had the turn signal on?

16 A He did not.

17 Q Okay. It's your testimony that he did
18 not?

19 A No.

20 Q Do you know whether it was on -- the
21 turn signal was on in the roadway after the
22 collision?

23 A It was not.

24 Q You did not see it on at any time?

25 A No.

1 Q Okay. You -- so if you did not see
2 the turn signal on at any time, you would agree that
3 the military vehicle did not have a right turn signal
4 on at any time?

5 A No, he did not.

6 Q Okay. I want to show you -- this was
7 something that I found on Google Maps. And my
8 understanding is that this is the intersection where
9 the collision occurred.

10 A Yes.

11 Q Would you agree with that?

12 A Yes.

13 MR. FAIR: You do. Okay. Let's go
14 ahead and mark it 8.

15 (Whereupon, the document, as referred
16 to above, was marked and subsequently attached hereto
17 as Exhibit No. 8.)

18 BY MR. FAIR:

19 Q And if we're looking at this map and
20 we're holding it this way like right side up, would
21 you have been traveling in the direction of the road
22 on the right or shall we turn it upside down?

23 A It needs to go like this.

24 Q So let's turn it upside down. And as
25 we look at this upside down, the lanes on the right

1 were the lanes that you -- that was the side of the
2 road you were traveling?

3 A Yes.

4 Q And this intersection was the
5 intersection where the military vehicle was making a
6 left -- made a left turn into you, right?

7 A Yes.

8 Q Okay. Could you mark to the best of
9 your ability where you think your vehicle was and
10 where you think the military vehicle was at the time
11 of the collision?

12 MR. KUHLMAN: I don't mind for her to
13 mark it and I don't mind for you to use it, but we're
14 going to reserve an objection.

15 MR. FAIR: I understand. Yeah. I
16 totally understand. And if that pen is not
17 working --

18 MR. KUHLMAN: Do you need me to
19 elaborate?

20 MR. FAIR: I don't need you to
21 elaborate. It's totally okay.

22 MR. KUHLMAN: Okay.

23 BY MR. FAIR:

24 Q So let me see what you have done here.
25 You have marked with an X where your vehicle was at

1 the time of the collision and with essentially a
2 hyphen where the military vehicle was at the time of
3 the collision, correct?

4 A Yes.

5 Q Okay. And I understand this is your
6 estimate. And I -- I know this isn't an exact
7 location. This is just what you recall looking at
8 this picture, right?

9 A Yes.

10 Q Okay. Where was your vehicle damaged?
11 Where on your vehicle was there damage?

12 A The passenger side where the bed meets
13 the cab.

14 Q Okay. And this probably goes without
15 saying, but I feel like I need to ask it. There was
16 no one with you in the vehicle, right?

17 A No.

18 Q And were you able to observe where
19 there was damage on the military vehicle?

20 A Yes.

21 Q Do you recall where that was on the
22 military vehicle?

23 A On the driver's side right under the
24 driver side window, the windshield, and the corner
25 where the door comes together.

1 Q Okay. And have you read the police
2 report describing the collision?

3 A Yes.

4 Q My understanding is there are two.
5 There was -- there was one that was essentially
6 amended in January 2021. And there was also one that
7 was created December 18th. So December 18th, 2020;
8 January 10, 2021. Were you aware of that?

9 A Yes.

10 Q Okay. Do you have any idea why it was
11 amended?

12 A Yes. I -- they did not talk to me.
13 They did not ask me what happened. I don't know
14 where she got her information from, but they amended
15 it because the information wasn't correct.

16 Q Okay. So on the scene of the
17 accident, you didn't speak with the trooper?

18 A No.

19 Q So the original police report that has
20 the December 18th, 2020, date does not contain your
21 side of the story; is that fair?

22 A It does not.

23 Q Okay. And how -- did you reach -- was
24 there some discussion with the trooper about, hey,
25 you're not -- I've seen this report and you're not --

1 **you don't have my side of the story, I want to -- how**
2 **did that happen?**

3 A I never talked to her. She has yet to
4 call me. I have never talked to her. My former
5 attorney talked to her. And the best of my
6 knowledge, she was supposed to change it and come and
7 talk to me, but she did not. I have never talked to
8 her.

9 Q **Okay. So any amendment that was done**
10 **to this did not occur as a result of a discussion you**
11 **had with the trooper?**

12 A No.

13 MR. FAIR: Okay. Let's -- let's
14 start with the amended one since that's the one that
15 had the final one, I suppose. And I just want to
16 look at this with you. We'll go ahead and mark it 9
17 before we look at it.

18 (Whereupon, the document, as referred
19 to above, was marked and subsequently attached hereto
20 as Exhibit No. 9.)

21 BY MR. FAIR:

22 Q **This document I have at least, it**
23 **starts with page 2 of 6. Do you see that at the**
24 **bottom?**

25 A Mine says 1 of 6.

1 MR. FAIR: Well, maybe I just didn't
2 print off -- does yours say 1 of 6, too?

3 MR. KUHLMAN: Well, you've --

4 MR. FAIR: Maybe my copy doesn't --
5 that's okay. No problem.

6 BY MR. FAIR:

7 Q If you'll go to page 6 of 6 of what I
8 have given you. No. Sorry. The one before that.
9 Let me make sure I have given you the right one.
10 Okay. Does it say amendment made 1/9/2021 right
11 below that?

12 A Yes.

13 Q Do you see the narrative on this page
14 of Exhibit 7 -- sorry -- Exhibit 9?

15 A Yes, I see it.

16 Q Have you read this before?

17 A I believe I have seen this, yes.

18 Q Okay. You're welcome to read it right
19 now, but do you have any disagreement with the
20 trooper's description of the collision?

21 A I want to know am I being called 1 or
22 2?

23 Q You are being called vehicle 1 and the
24 military vehicle is being called vehicle 2, and that
25 correlates with earlier in the report.

1 MR. KUHLMAN: There is a table if you
2 want to -- if you need him to re-ask you the question
3 again, you can --

4 THE WITNESS: I do.

5 MR. KUHLMAN: -- but he is not asking
6 you about this diagram. He is asking you --

7 MR. FAIR: We'll get --

8 MR. KUHLMAN: -- about --

9 MR. FAIR: -- to the diagram.

10 MR. KUHLMAN: -- that statement right
11 there.

12 BY MR. FAIR:

13 Q The narrative that's on page 6 of 6,
14 will you please read that and let me know if you
15 disagree with --

16 MR. KUHLMAN: Can we stop for just a
17 second? I'm sorry to interrupt.

18 MR. FAIR: Yeah, sure.

19 (Whereupon, an off-record discussion
20 was had.)

21 BY MR. FAIR:

22 Q So the narrative on page 6 of 6, let
23 me know if you disagree with its contents.

24 A I think generally it is -- the
25 information I think generally is correct.

1 Q Okay. You agree with the statement
2 that the military vehicle was attempting to make a
3 left turn?

4 MR. KUHLMAN: Calls for speculation.

5 A I don't know what he was doing.

6 BY MR. FAIR:

7 Q Okay. Not sure. Do you -- would you
8 agree or disagree that vehicle 2 had to make a wide
9 turn due to the size of the vehicle?

10 MR. KUHLMAN: Same objection.

11 A Again, I don't...

12 BY MR. FAIR:

13 Q Okay. Would you agree or disagree
14 that you attempted to pass the military vehicle?

15 A Well, I was in the fast lane, so,
16 yeah, I was trying to go around him.

17 Q Let's look at the drawing, because you
18 saw it and pointed something out. Do you have a
19 disagreement with the drawing in Exhibit 9?

20 A Well, I -- yes, I do.

21 Q What's your disagreement with this
22 drawing?

23 A I think my vehicle was more over here
24 like in this area, and his --

25 MR. KUHLMAN: Don't mark on that.

1 THE WITNESS: I won't.

2 BY MR. FAIR:

3 Q You think your vehicle was more
4 towards the middle of the left lane rather than over
5 to the left side of the left lane? Is that what
6 you're indicating?

7 A Yes.

8 Q Anything else you disagree with in
9 this drawing?

10 A Well, I can tell you that his vehicle
11 did not hit me in the cab area. It didn't hit me on
12 the doors. It hit me more in this area right here.

13 Q The --

14 A Back.

15 Q Back further than it shows on this
16 drawing, not --

17 A Exactly.

18 Q Back towards the rear of the vehicle
19 more rather than towards the front of the vehicle
20 more? Is that what you're saying?

21 A Yes.

22 Q Okay.

23 A I can also tell you that he wasn't in
24 this lane.

25 Q And you disagree with the drawing

1 **having him in the left lane?**

2 A If this is his vehicle, he was not in
3 that lane. He was in this lane. I was in this lane.

4 Q And you don't -- at any point you
5 don't recall him being in the left lane?

6 A Not until he hit me.

7 Q Okay. So when you're -- what about
8 the place in the drawing where it says your vehicle
9 came to rest? I know nothing is exact -- this is not
10 to scale, but do you generally agree that's about
11 where your car ended up?

12 A Yes.

13 Q What did you do when your vehicle
14 immediately came to a rest? What was the first thing
15 you did?

16 A I called 911.

17 Q And what did you tell the person that
18 you spoke with?

19 A I told them that I had been hit by
20 a -- I called it something different. I called it a
21 tanker truck because I didn't know what it was.

22 Q Yeah.

23 A And they asked me if I was hurt. I
24 told them yes. They asked me if I needed an
25 ambulance. I said yes. And --

1 Q Were you inside your vehicle for that
2 call?

3 A Yes.

4 Q Where did you tell them you were hurt?

5 A I don't recall telling them where I
6 was hurt.

7 Q I'm sorry. Did you lose consciousness
8 at any time --

9 A No.

10 Q -- to your understanding? You did
11 not. Did you exit your vehicle at any point on the
12 scene?

13 A No.

14 Q How did you get out of your vehicle?

15 A I was removed by the ambulance and the
16 first responders.

17 Q Okay. Did you attempt to open your
18 door or anything?

19 A I did not open the door, no.

20 Q So you remained in your vehicle until
21 the first responders came to your door essentially,
22 right?

23 A No.

24 Q Okay.

25 A Johnny Lipps came, saw that it was my

1 truck, come around on my side, opened the truck door,
2 and he was -- he stayed there with me until Caleb
3 Martin came and then the other fire people -- the
4 fire truck people and the ambulance people came.

5 **Q Okay. Who is Johnny Lipps?**

6 A He is a friend of mine. He is a
7 former first responder, but he is a friend of mine
8 that used to come in the pawn shop on a regular
9 basis.

10 **Q Do you know is his last name Lipps?**

11 A Yes, it is.

12 **Q L-I-P-S?**

13 A P-P. L-I-P-P-S.

14 **Q And who is Caleb Martin?**

15 A Caleb Martin is also a first
16 responder. And he worked for Waupaca, just a friend
17 of ours. And when the call came out, he came to the
18 scene. He left Waupaca and came to the scene.

19 **Q Did Johnny Lipps express to you at any**
20 **point that he observed the collision?**

21 A He did not.

22 **Q Are you aware if anyone other than you**
23 **and the military driver observed the collision?**

24 A No.

25 **Q You're not aware. Did you have any**

1 discussion with Mr. Lipps or Mr. Martin while they
2 were waiting with you?

3 A Yes.

4 Q Do you remember what you talked to
5 them about?

6 A Yes.

7 Q What did you talk to them about?

8 A Staying calm, trying to find where my
9 other shoe was, just being still, because we didn't
10 know how bad I was hurt.

11 Q Okay. Did you ever speak with the
12 driver of the military vehicle on the scene?

13 A Yes.

14 Q Did he come up to your door? Is that
15 how that happened?

16 A Yes, he did.

17 Q Okay. Tell me what you recall about
18 that conversation.

19 A He was on the telephone. He told
20 someone that he had just hit somebody. And he told
21 me that the vehicle that he was driving, he was
22 working on it. It was in disrepair. And I'm
23 paraphrasing because I don't know exactly what all he
24 did tell me. But he was test driving it to find out
25 what all was wrong with it and that he was headed

1 back to the armory.

2 Q Was there any discussion with him
3 about the cause of the accident?

4 A He said he didn't see me.

5 Q Okay. Do you recall where on your
6 body you were experiencing pain after the collision?

7 A My shoulder was hurting and my foot
8 was hurting. My head was hurting because I had glass
9 all in my hair.

10 Q Where did the glass come from within
11 the vehicle?

12 A Every window in the truck got blew
13 out.

14 Q I think you've already answered this,
15 but you did not speak with the state trooper on the
16 scene?

17 A No.

18 Q Did you see the state trooper on the
19 scene --

20 A No.

21 Q -- before you were taken away?

22 A No.

23 Q Did you see any law enforcement before
24 being taken away?

25 A Yes.

1 Q Who -- which law enforcement do you
2 recall seeing?

3 A A county officer.

4 Q Okay. Did you know that officer's
5 name?

6 A No. It's somebody that I've seen
7 before, but no.

8 Q Did you speak with that person?

9 A Yes.

10 Q Is it a male?

11 A It was.

12 Q Do you remember what you spoke with
13 him about?

14 A I do.

15 Q What was that?

16 A The gun that was in the door.

17 Q Okay.

18 A He asked me what did I want him to do
19 with it. He unloaded it and gave it to Caleb Martin.

20 Q Was there anybody else other than this
21 Officer Johnny Lipps, Caleb Martin, and the driver of
22 the military vehicle that you spoke with on the scene
23 of the collision?

24 A Yes.

25 Q Who?

1 A Jessica, one of the ambulance people.
2 There was a couple of other people there, but I don't
3 know their names. There are people that I'm familiar
4 with, but I don't remember their names.

5 Q Okay.

6 A Derrick Ingram is one, and he is from
7 the Etowah Fire Department.

8 Q Okay.

9 A He showed up on the scene, too.

10 Q What was his last name again?

11 A Ingram.

12 Q And my understanding, you were taken
13 to UT Medical Center in Knoxville?

14 A Yes.

15 Q How were you taken? By ambulance?

16 A By ambulance.

17 Q Why were you taken there, do you know?

18 A I do know. They called Danny, asked
19 him which one to take me to, and they said that they
20 were not taking me to Athens and they were not going
21 to take me to Cleveland and they didn't really want
22 to take me to Chattanooga. They said that it would
23 be better to take me to that unit, that trauma unit.

24 Q Okay. Was the reason, to your
25 understanding, the availability of the trauma service

1 or was there something about the other hospitals
2 that --

3 A I think it was the service.

4 Q The trauma service? The availability
5 of the trauma service at UT Medical Center?

6 A Yes.

7 Q Tell me what you remember about your
8 hospitalization at UT Medical Center.

9 A I remember that they did a CT scan on
10 me. My blood pressure was extremely high, and they
11 were trying to get my blood pressure under control.
12 They gave me -- they gave me some medicine for the
13 pain. I don't remember what it was. And they said I
14 need to follow up with my primary care the next day.

15 Q Okay. You said there were some CT
16 scans done. Do you know of what parts of your body?

17 A I think it was the entire -- an entire
18 body scan.

19 Q Did anyone else join you at UT Medical
20 Center? Your husband?

21 A My husband.

22 Q He ended up coming as well?

23 A Yes.

24 Q Do you know if he was present for any
25 of the conversations with the medical providers?

1 A I do not know.

2 Q About how long were you at UT Medical
3 Center that day?

4 A Until that night. It was about 11 or
5 12:00 before we got home that night.

6 Q And did your husband drive you home
7 from there?

8 A Yes.

9 Q Do you remember what you were told
10 about the medical findings at UT Medical Center about
11 your injuries?

12 A No.

13 MR. FAIR: I want to show you a
14 document from UT Medical Center. Let's go ahead and
15 mark it 10 before we talk about it.

16 (Whereupon, the document, as referred
17 to above, was marked and subsequently attached hereto
18 as Exhibit No. 10.)

19 BY MR. FAIR:

20 Q This is the history and physical from
21 the trauma service at UT Medical Center on
22 December 15, 2020. Does that appear to be correct to
23 you?

24 MR. FAIR: Shoot. Here. You take
25 this one. Let's mark that one the exhibit. I had a

1 page missing on the one I handed her.

2 (Whereupon, Exhibit Number 10 was
3 remarked.)

4 MR. KUHLMAN: You want to use mine?

5 MR. FAIR: Sure. I don't think I'm
6 talking about the first page anyways.

7 BY MR. FAIR:

8 Q All right. So the fourth page of this
9 at the -- probably the third page, at the bottom it
10 says page 13 of 32. Do you see where it says page 13
11 of 32? Is that the right page?

12 A Yes.

13 Q Towards the bottom of this it says
14 diagnostic results.

15 A Uh-huh.

16 Q Do you see that?

17 A Yes.

18 Q And this one says tibia and fibula,
19 right, AP and lat. Do you see that?

20 A Yes.

21 Q And it goes on to the next page. And
22 at the top of that page for that study, what does it
23 say for the impression?

24 A 12/15/20, 14:43:40.

25 Q What does it say below impression?

1 A No acute findings.

2 Q Okay. And then the next study on this
3 same page says a CT scan of the C-spine without
4 contrast. What does it say for the impression on
5 that one?

6 A No acute findings.

7 Q And then below that, the CT -- the
8 trauma CT of the thorax, abdomen, and pelvis. What
9 does it say for the impression there?

10 A No acute traumatic findings.

11 Q Okay. Do you remember having any
12 discussion with the medical providers about the CT
13 scans showing no acute findings?

14 A No.

15 Q Okay. The next page, which says page
16 15 of 32 at the bottom, there is a Resident
17 Assessment and Plan section towards the middle of
18 that. Do you see that?

19 A Yes.

20 Q The first sentence of that, could you
21 read that for the record?

22 A 53-year-old female s/p MVC as
23 restrained driver resulting in no acute traumatic
24 injuries. C-collar was cleared without issue.

25 Q Yeah. Just the first sentence. You

1 don't have to keep --

2 A Sorry.

3 Q And then towards the bottom of that
4 page, the attending physician's assessment and plan,
5 towards the middle of that paragraph, it starts with
6 53-year-old female. Do you see where it says that?

7 A Yes.

8 Q Could you read that sentence just
9 through the end of the paragraph?

10 A Status post MVC. Restrained driver
11 complaining of back pain, right lower extremity pain,
12 and hip pain.

13 Q Just read through the end of that
14 paragraph.

15 A No injuries noted on imaging. I did
16 a -- I don't know what that word is.

17 Q Tertiary.

18 A -- tertiary exam of her and looked
19 back on her images and could not find anything of
20 note. Cervical collar was cleared. Patient is
21 medically stable to be discharged. Trauma office
22 phone number given to call with any questions or
23 concerns. Trauma office followup as needed.

24 Q Okay. And do you recall any
25 discussion with the medical providers of no injuries

1 found on your imaging studies?

2 A No.

3 Q Would that surprise you that there
4 were no injuries found on your imaging studies?

5 MR. KUHLMAN: Calls for speculation.

6 BY MR. FAIR:

7 Q Yeah. Would it surprise you?

8 A It does surprise me.

9 Q After the -- after the collision at
10 any point did you visit the field maintenance shop?

11 A Are you talking about at the military?

12 Q Yeah.

13 A Yes.

14 Q Tell me what you remember about that
15 visit, about when that was and the --

16 A The very --

17 Q -- purpose.

18 A -- next day.

19 Q What was the purpose of that visit?

20 A We went there to look at the vehicle.
21 Danny and I went there to look at the vehicle and to
22 talk with the fellow that had hit me.

23 Q What -- did you get to speak with him?

24 A Yes, we did.

25 Q What do you remember about that

1 discussion?

2 A He told me he didn't see me.

3 Q Okay. Did you speak with anyone else
4 while you were there?

5 A Yes.

6 Q Who did you speak with?

7 A Trevor Jones.

8 Q And did you know Trevor Jones
9 previously?

10 A No.

11 Q What did you speak with Trevor Jones
12 about?

13 A About the accident.

14 Q And what do you remember discussing
15 with him?

16 A He told us that that vehicle was at
17 the maintenance shop there to be worked on and that
18 was their normal travel, to take it up there and test
19 drive it to -- and bring it back down to the armory.
20 And it had to be towed back to the armory. He did
21 tell us that.

22 Q Did you see any other military
23 personnel on the scene of the accident?

24 A Yes.

25 Q Was Trevor Jones one of them, do you

1 know?

2 A I don't know.

3 Q Did you speak with any of them?

4 A No.

5 MR. FAIR: I want to show you a
6 medical record from your PCP. This is dated
7 December 18th, 2020. Let's go ahead and mark it 11.

8 (Whereupon, the document, as referred
9 to above, was marked and subsequently attached hereto
10 as Exhibit No. 11.)

11 BY MR. FAIR:

12 Q And according to this record, you were
13 complaining of mid to low back pain, correct?

14 A Yes.

15 Q I don't see any complaints on here
16 about any other pain in any other parts of your body.
17 Do you remember experiencing pain at that time
18 anywhere else on your body?

19 A Yes.

20 Q Okay. Where would you have been
21 experiencing pain?

22 A My foot. I couldn't walk. My knee
23 was hurting.

24 Q Okay.

25 A And I don't know if my shoulder was

1 hurting that day or not.

2 Q Okay. Do you believe you did discuss
3 that pain with your medical provider that day?

4 A Yes.

5 Q Just -- you don't know why it was not
6 documented on this record?

7 A I have no idea.

8 Q And you also said in the paragraph
9 under the back pain section -- do you see that? It
10 starts with mid to low back pain.

11 A Yes.

12 Q The third sentence says, Had CT of
13 back and was told my back is fine on CT, but they
14 found some other things. Do you remember saying that
15 to your medical provider?

16 A No.

17 Q Do you remember being told by the
18 providers at UT that your back was fine?

19 A No.

20 Q Okay. They found some other things.
21 Do you know what you were referring to there?

22 A Yes.

23 Q What were you referring to?

24 A They gave me a copy of the CT scan and
25 I was talking about the cyst in my liver.

1 Q **The incidental finding?**

2 A Yes.

3 MR. FAIR: And I want to show you --
4 we'll mark that 12 and talk about it.

5 (Whereupon, the document, as referred
6 to above, was marked and subsequently attached hereto
7 as Exhibit No. 12.)

8 BY MR. FAIR:

9 Q **This is a record from Cleveland**
10 **Imaging, an MRI of the lumbar spine performed on**
11 **December 23rd, 2020. Does that look correct to you,**
12 **what I just said?**

13 A Yes.

14 Q **If you'll go to the second page of**
15 **this, it has impression. Could you read what's after**
16 **number 1 under impression?**

17 A You mean number 2?

18 Q **Number -- number 1 here.**

19 A Multilevel degenerative changes
20 resulting in variable central canal, lateral recess
21 and foraminal narrowing, as detailed above in the
22 individual level. Next line.

23 Q **And do you have any understanding what**
24 **the word degenerative means in that sentence?**

25 A Well, again, I will say that it's

1 probably something that's ongoing. I don't know.

2 Q And then number 5 under impression,
3 what does that say?

4 A No acute finding.

5 Q And did you have any discussion with
6 your medical provider about the results of this MRI
7 and no acute findings?

8 A I don't recall. I don't know.

9 Q Okay. Do you know -- was there a time
10 when an imaging study did make certain findings
11 related to your injuries that you recall?

12 A Yes.

13 Q Do you know about when that would have
14 been?

15 A I don't know the date, no.

16 Q Okay. Do you think it would have been
17 after this December 23rd date?

18 A Yes.

19 Q Okay. Do you remember where you were
20 for that?

21 A They were also done at Cleveland
22 Imaging.

23 Q And what do you remember being found
24 on those studies after the 23rd?

25 A That I have bulging disks in my lower

1 back, in my neck. This doctor referred me to the
2 orthopaedic group.

3 Q Okay.

4 A This Dr. Kate Walter.

5 Q Yeah. At any time between the motor
6 vehicle collision on December 15th and whatever date
7 that was that those findings on the imaging studies
8 were told to you, did you suffer any other traumatic
9 event? Did you have any falls or any other motor
10 vehicle collisions?

11 A No.

12 Q Okay. Do you -- I'm sorry. Strike
13 that.

14 I want to talk about a list that we
15 were provided. This is called the Plaintiff's First
16 Supplement to the Initial Disclosures. Oh, sorry.
17 Let me have that. I marked on that one. Thank you.
18 And let's go ahead and mark it.

19 A Can I have one minute?

20 MR. FAIR: Yes.

21 (Whereupon, a short break was had.)

22 (Whereupon, the document, as referred
23 to above, was marked and subsequently attached hereto
24 as Exhibit No. 13.)

25 //

1 BY MR. FAIR:

2 Q If you'll go to page 5 of what we have
3 marked Exhibit 13, it does have page numbers on the
4 bottom. I fully have no expectation that you
5 prepared this document, but this is a list of medical
6 expenses that are being claimed in this lawsuit. And
7 I just want to cover some of them to clarify for
8 myself. This is arranged by date of service in the
9 left column, medical provider in the middle column,
10 and the total amount of money billed by that medical
11 provider in the right column. Do you see that?

12 A Yes.

13 Q There are certain entries that, from
14 what you have testified already, I would not expect
15 would be related to your claims in this lawsuit about
16 your injuries, but I just want to make sure. So
17 towards the middle of this page there are three
18 entries from Blue Ridge Pulmonary. What type of
19 medical service does Blue Ridge Pulmonary provide to
20 you?

21 A The COPD.

22 Q And you don't relate COPD to your
23 injuries in this lawsuit?

24 A No.

25 Q Then towards the bottom of this there

1 are entries from Chattanooga Heart and Liver. Do you
2 see that?

3 A Yes.

4 Q You don't result -- you don't relate
5 any treatment from Chattanooga Heart and Liver to
6 your injuries in this lawsuit?

7 A No.

8 Q Okay. There is another one towards
9 the top, 1/27/2021 from Blue Ridge Pulmonary;
10 2/15/2021, it says Liver; and 2/19/2021, Blue Ridge
11 Pulmonary; 2/25/2021, Blue Ridge Pulmonary;
12 3/10/2021, Blue Ridge Pulmonary; 3/18/2021,
13 Chattanooga Heart; and 3/31/2021, Blue Ridge
14 Pulmonary. You would agree none of those are related
15 to your injuries in this lawsuit?

16 A Correct.

17 Q The next page, page 7, there are
18 entries on 6/21/2021 from Chattanooga Heart; also
19 7/19/2021, Chattanooga Heart. You would agree those
20 are not related to this lawsuit, correct?

21 A Correct.

22 Q There is an entry on August 18th,
23 2021, Starr Regional Medical Center. And it's a cost
24 of \$15,860. Do you know what treatment that is
25 referencing?

1 A That was an MRI that I had on my head.
2 They were trying to figure out if the headache that I
3 was having was related.

4 Q So that's one that you would probably
5 relate to this lawsuit, correct?

6 A Yes.

7 Q On page 8, 11/30/2021, Allied Eye. Is
8 that optometry care?

9 A Yes.

10 Q Are you relating that to your injuries
11 in this lawsuit?

12 A I would say yes.

13 Q Why is that?

14 A I had some double vision, and they
15 don't know if that's caused from the thing in my head
16 or not.

17 Q 3/3/2022, there are two Chattanooga
18 Heart entries, also 3/24/2022. And then 8/3/2022,
19 Gastrointestinal Associates. You would not relate
20 any of those to the injuries in this lawsuit,
21 correct?

22 A No.

23 Q If you go to the top of page 9,
24 8/9/2022, Gastrointestinal Associates, same date.
25 Novamed Surgery Center. Do you know what that would

1 be referencing?

2 A That's the day I had a colonoscopy.

3 Q You're not relating that to the
4 injuries in the lawsuit?

5 A No.

6 Q 9/7/2022, Gastrointestinal Associates.
7 9/26/2022, Chattanooga Heart. There is two entries.
8 10/13/2022, Gastrointestinal Associates. 10/17/2022,
9 Premier Surgical, which is Dr. Dunn's group.

10 A Yes.

11 Q 11/1/2022, there is a Premier Surgical
12 entry and there is a Tennova Cleveland where Dr. Dunn
13 performed your laparoscopic cholecystectomy.

14 A Yes.

15 Q Those are not related to this lawsuit?

16 A No.

17 Q 11/29/2022, Skin Cancer and Cosmetic.
18 Do you know what that relates to?

19 A Yes. I had a -- no. Whenever I had
20 my colon -- I mean my gallbladder removed, they
21 damaged my arm, and I had to go there to get
22 treatment. So that is not related.

23 Q Okay. 12/5/2022, Blue Ridge
24 Pulmonary; 1/16/2023, Gastrointestinal Associates.
25 You wouldn't relate those, correct?

1 A No.

2 Q 2/13/2023 at the bottom there,
3 Nephrology Associates. Your nephrology care you're
4 not relating to this accident, correct?

5 A No.

6 Q Page 10, 2/24/2023, Gastrointestinal
7 Associates; 3/2/2023, Nephrology Associates;
8 3/17/2023, there are two Nephrology Associates
9 entries; 3/27/2023, there is a Nephrology Associates
10 entry. You wouldn't relate those to the injuries in
11 this lawsuit, correct?

12 A No.

13 Q 3/31/2023, there is an \$11,265 bill
14 from Tennova Cleveland. And looking at your records,
15 I attempted to relate that, and it looked like you
16 underwent a CT for liver cysts that day.

17 A Yes.

18 Q Do you have any recollection of that?

19 A Yes.

20 Q Is that all that would have occurred
21 that day, that you can recall?

22 A Yes.

23 Q You're not relating that to your
24 injuries in this lawsuit, correct?

25 A No.

1 Q Six -- the next page, 6/26/2023, there
2 is a Gastrointestinal Associates. Who is Dr. Stephen
3 Dreskin?

4 A He is pain management --

5 Q Okay.

6 A -- that I was referred to.

7 Q And then page 12, there are two
8 entries, Nephrology Associates, on 9/20/2023; and
9 then on 9/26, Gastrointestinal Associates; and 9/27,
10 Nephrology Associates.

11 A Correct.

12 Q You agree those are not related,
13 correct?

14 A They are not.

15 Q Okay. We were also given some photos.
16 Actually, let me do this first. You filed some
17 expert disclosures in this lawsuit, and there are
18 certain medical providers listed. And I just want to
19 make sure I understand what each of these persons'
20 relationship is to you on your medical care.

21 MR. KUHLMAN: You going to call this
22 14?

23 MR. FAIR: Yeah. Let's call it 14.
24 Thank you.

25 //

1 (Whereupon, the document, as referred
2 to above, was marked and subsequently attached hereto
3 as Exhibit No. 14.)

4 BY MR. FAIR:

5 Q You listed first Jeremy Bruce, M.D.
6 And I think you told me earlier he did the right knee
7 surgery, correct?

8 A Yes.

9 Q Has he treated other parts of your
10 body other than your right knee?

11 A My shoulder.

12 Q He has treated your shoulder as well.
13 Okay. Are you still seeing him right now?

14 A No.

15 Q You've moved to Dr. Freeman on both
16 your shoulder and your right knee?

17 A Correct.

18 Q Jessica Walker, physical therapist.
19 Are you still seeing Ms. Walker?

20 A No.

21 Q What is her practice? What's the
22 name?

23 A Benchmark.

24 Q When did you see her in general terms?

25 A From March the 9th until June 5th.

1 Q Of what year?

2 A Of this year of 2023. She was the
3 physical therapies for my knee --

4 Q Knee surgery?

5 A -- replacement, yes

6 Q Sorry. I talked over you there. The
7 next page, Joyce Mills, M.D. And you have got listed
8 there that she is a pathologist who interpreted a
9 study in February 2023. Do you know what that is
10 referring to?

11 A No, sir.

12 Q That's okay. Stephen Dreskin you
13 already told me about. He is a pain doctor, right?

14 A Correct.

15 Q And how -- are you still seeing
16 Dr. Dreskin?

17 A Yes.

18 Q When did you start seeing Dr. Dreskin?

19 A I think maybe around February of 2023.

20 Q Okay. Luke Ebersole, also a physical
21 therapist at Erlanger, correct?

22 A Yes.

23 Q Are you seeing him currently?

24 A No.

25 Q When did you see Mr. Ebersole?

1 A I started seeing him after we had the
2 knee manipulation on my knee, and then I saw him up
3 until September or October.

4 Q Okay. What do you mean by the knee
5 manipulation?

6 A I had a knee manipulation June the
7 6th.

8 Q Of this year?

9 A Yes.

10 Q What is a knee manipulation?

11 A It's to try to get my leg to go
12 straight.

13 Q I see. And this would have been after
14 your surgery?

15 A Yes.

16 Q Was it successful in getting your leg
17 to go straight?

18 A No.

19 Q The next person listed, Bryce Martin,
20 also a physical therapist with Erlanger. Are you
21 still seeing Mr. Martin?

22 A No.

23 Q Were you seeing him around the same
24 time as Mr. Ebersole?

25 A Yeah. He is in with that group.

1 Q Okay. Dr. David Lowry at Erlanger
2 Orthopaedics. I think you told me about him before.
3 Just remind me.

4 A He is my back doctor.

5 Q Your back orthopaedic doctor?

6 A Yes.

7 Q Dr. William Garrett, what's his role?

8 A He also works for Erlanger. He is
9 the -- he is the first person that I saw whenever I
10 started going to that group. And then he evaluated
11 me and gave me to other doctors.

12 Q Okay.

13 A He gave me away.

14 Q And then Dr. Lindsay McKnight, the
15 trauma attending at UT Medical Center, right?

16 A Yeah, I'm assuming. I don't know her.

17 Q All right. Dr. Tareck Kadrie,
18 "Kadrie"?

19 A Kadrie.

20 Q Kadrie. Neurologist?

21 A Yes.

22 Q You still seeing Dr. Kadrie?

23 A No. He is the person that told me I
24 have a pinched nerve in my arm. And they -- he gave
25 me back to my regular doctor.

1 Q Okay. Eric --

2 A He is like a specialist.

3 Q I see. Dr. Eric Emanski?

4 A Yes.

5 Q What's his role?

6 A He -- he is over there near Erlanger.
7 He is the one that told Dr. Lowry about what was
8 wrong with my back. And he told them that I needed
9 to have some facet injections, so Dr. Lowry did that.

10 Q Okay. And you're not seeing
11 Dr. Emanski currently?

12 A No.

13 Q Dr. Kimberly Smith, I think you told
14 me about her earlier, a neurologist, right?

15 A She is a neurologist.

16 Q Are you still seeing her?

17 A Yes.

18 Q What is she providing you again?

19 A She treats me for my migraines.

20 Q And then Dr. Mark Freeman is the
21 orthopaedic surgeon who is going to perform your
22 right -- your second right knee surgery on
23 December 15?

24 A Correct.

25 Q And he is also helping with your

1 **shoulder now, right?**

2 A Yes.

3 MR. FAIR: Now let's look at these
4 pictures. And if you'll bear with me one second, I
5 think the easiest way to do this -- they are stapled
6 together. These are the pictures you provided me.
7 I'm going to give each one a letter so we can just
8 reference what each one is. Okay. Let's mark this
9 Collective 15. Each one has its own letter.

10 (Whereupon, the photographs, as
11 referred to above, were marked and subsequently
12 attached hereto as Collective Exhibit No. 15.)

13 MR. KUHLMAN: How far did you get in
14 the alphabet?

15 MR. FAIR: I got to V.

16 THE WITNESS: I thought I saw W.

17 THE COURT REPORTER: I thought I saw
18 W, too.

19 MR. FAIR: Oh, maybe I got to W.
20 Sorry. I am going quickly. I'll mark for my own
21 reference.

22 BY MR. FAIR:

23 Q **All right. So let's look at 15-A. Is**
24 **this a photo you took?**

25 A Yes.

1 Q Okay. What am I seeing here?

2 A You're seeing a bruise, and I believe
3 it's going to be on this part of my arm.

4 Q You're pointing to your right arm on
5 the forearm?

6 A Yes.

7 Q Okay. And when would you have taken
8 this photograph?

9 A This was a couple of days after the
10 wreck.

11 Q Not sure exactly when, but two or
12 three days?

13 A Yeah.

14 Q Does that sound about right?

15 A Yeah.

16 Q 15-B, tell me what I'm seeing here.

17 A The top part of my chest bruising.

18 Q And are there bruises on both sides
19 there?

20 A Yes.

21 Q And you have taken this photo around
22 the same time?

23 A Yes.

24 Q Do you know how you received these
25 bruises? And by that I mean, when you had the

1 collision, do you remember what parts of your car
2 your body hit?

3 A I think my hands hit myself, and
4 I went down -- I think, because my hands are all
5 bruised also.

6 Q I see. 15-C, this appears to be your
7 left hand assuming there is no mirroring going on.

8 A Yes.

9 Q You have got some bruise on your --
10 some bruises really on the entire top part of your
11 hand. I don't know what we call that part of your
12 hand, the opposite of your palm. But it looks like
13 the most prominent bruising are on your index and
14 middle knuckle. Does that sound correct to you?

15 A Yes.

16 Q And you took this about the same time?

17 A Yes.

18 Q 15-D, I believe we're looking at your
19 right arm.

20 A No. It's this arm.

21 Q Your left arm. The inner part of your
22 forearm, correct?

23 A Yes.

24 Q And there is a bruise right there in
25 the middle, right?

1 A Yes.

2 Q And you took this about the same time?

3 A Yes.

4 Q 15-E, this appears to be your right
5 hand and the primary bruising on your middle and ring
6 knuckle.

7 A Yes.

8 Q Taken around the same time?

9 A Yes.

10 Q It's easier to have time stamps. They
11 are all 9/13. First one was 9/12. Second one
12 doesn't have one. 15-F has a 9/15 time stamp. Where
13 are we looking on your body here?

14 A That's the back part of my left hip.

15 Q Okay. Back part of your left hip
16 there is a bruise, right?

17 A Yes.

18 Q 15-G has a time stamp of 9/15. And I
19 guess I should clarify. This time stamp -- it looks
20 like these are screenshots, right?

21 A They are.

22 Q So this is probably just when you took
23 a screenshot of your phone, not necessarily when you
24 took the photograph, right?

25 A Exactly.

1 Q But you took this photograph around
2 the same time as the other ones we have looked prior
3 to this, right?

4 A Yes.

5 Q Okay. What part of your body are we
6 looking at here?

7 A That's the inside of my right leg from
8 my knee down toward my ankle.

9 Q Calf area on the inside, there is a
10 bruise?

11 A Yes.

12 Q 15-H, what are we seeing here?

13 A That's the outside of my leg looking
14 down from my knee down to my ankle.

15 Q Is this in the calf area? I don't
16 have my bearings on this one.

17 A I believe it's just going to be right
18 past my ankle -- I mean right past my knee going down
19 towards my ankle.

20 Q Okay. Taken around the same time as
21 the ones before it?

22 A Yes.

23 Q All right. 15-I, what am I seeing
24 here?

25 A That's the scene of the accident.

1 Q Okay. And when was this taken?

2 A I would say just a few days after the
3 wreck.

4 Q Taken by you?

5 A Yes.

6 Q And who was with you?

7 A I don't -- I don't know if Danny was
8 with me that day or not.

9 Q Did you walk down from your house?

10 A Oh, no. No.

11 Q You said 1.8 miles, right?

12 A Yeah. It's 1.8 miles --

13 Q So --

14 A -- thereabout.

15 Q So where did -- did you just park your
16 vehicle?

17 A There is a house. There is a house
18 right here, and I parked in the drive -- they have a
19 driveway.

20 Q Okay.

21 MR. KUHLMAN: Y'all are having a nice
22 conversation. This transcript is going to be -- just
23 let him ask you a question and then answer it so that
24 we can get this taken down in a way that makes sense
25 and we can read it later. Okay? She is having a

1 hard time with y'all just chatting.

2 BY MR. FAIR:

3 Q Okay. 15-J, tell me what I'm seeing
4 here.

5 A That is also the scene of the
6 accident.

7 Q It looks like you have just turned
8 slightly to the left from 15-I. Does that sound
9 about right?

10 A Yes.

11 Q Taken the same day?

12 A Yes.

13 Q 15-K, what am I seeing?

14 A That is where my truck -- my truck was
15 over there by that yield sign just on this side of
16 it.

17 Q So your truck -- where your truck
18 ended up after the collision --

19 A Yes.

20 Q -- on the side of the yield sign where
21 you're standing?

22 A Yes.

23 Q Okay.

24 A Not on the side where -- in this area.
25 I was standing over here.

1 Q Right. I meant on that side of the
2 yield sign as opposed to behind the yield sign.

3 A Yes.

4 Q 15-L, what am I seeing?

5 A This is just a picture pointed in the
6 direction that I was headed.

7 Q So this is behind where the collision
8 occurred or is this beyond where the collision
9 occurred?

10 A This is prior to. This is headed in
11 the direction where we had the wreck.

12 Q Okay. 15-M?

13 A Just a different view of that.

14 Q Of --

15 A Same direction.

16 Q Different view of 15-L?

17 A Yes.

18 Q 15-N, what am I seeing?

19 A This is a -- this is about where the
20 wreck happened. This is looking toward where the
21 wreck actually happened right in that area.

22 Q I see two vehicles in the distance on
23 15-N. One is a little further away. Is that around
24 where the accident occurred, do you think, where
25 that --

1 A I believe so.

2 Q -- vehicle is?

3 A I believe it's right about where that
4 vehicle is.

5 Q Okay. 15-0?

6 A That's the intersection where the
7 accident happened.

8 Q Okay. And I think -- they just
9 repeated themselves. Yeah. So I don't think there
10 are any new pictures after that.

11 Okay. I want to go back to Exhibit 1
12 and cover just a few things, and then we're close to
13 being finished. If you'll go to page 4 on Exhibit 1.
14 Interrogatory number 3, we asked you to identify any
15 and all writings, documents, affidavits, photographs,
16 recordings, lots of things that relate to the motor
17 vehicle accident. And I just want to clarify. Have
18 you kept any notes about the accident or your
19 treatment over time, anything like that?

20 A The only thing that I have are the
21 pictures and I have my doctor bills.

22 Q Okay. You have not kept a diary of
23 your treatment or anything like that?

24 A No.

25 Q Okay. And have you made any

1 recordings at any time related to this lawsuit?

2 A No.

3 Q Okay. Number 4, also on page 4, we
4 asked if you have made any claim for bodily injury or
5 filed for disability at any time, and there was an
6 objection, and then the answer was no. But you did
7 file for disability. When did you originally file
8 for disability?

9 A I think in May of 2021.

10 Q Okay. So at that -- when you said no
11 to this, that wasn't accurate, right? You had filed
12 for disability at that point?

13 A I have filed for disability.

14 Q Yeah. Number 6 on page 5, we asked if
15 you had been involved in any other litigation. You
16 said no. You did tell me about several cases where
17 you have been the plaintiff against tenants, right?

18 A Yes.

19 Q Anything other than that and your
20 disability claim that would meet this criteria of
21 being involved in litigation? Obviously not
22 including this lawsuit that we're here on today.

23 A Well, I have been involved in divorce
24 litigation.

25 Q Okay.

1 A So yes.

2 Q Two prior divorces?

3 A Yes.

4 Q Anything else?

5 A I don't think so.

6 Q Okay.

7 A I've been named in a bankruptcy with
8 people, you know, that owed me money.

9 Q You've been a creditor in a
10 bankruptcy?

11 A Yes.

12 Q Someone that was trying to collect
13 money from the debtor that filed it?

14 A Yes.

15 Q You have never filed for bankruptcy
16 yourself?

17 A Oh, no.

18 Q And then if you'll go to page 10,
19 number 17, we asked you to identify all of your
20 social media accounts. And there was just an
21 objection and no answer to that. Do you use social
22 media?

23 MR. KUHLMAN: We'll persist in our
24 objection, but you can answer if you can.

25 A I do have a Facebook account and now I

1 have an Instagram account.

2 BY MR. FAIR:

3 Q Okay.

4 A I didn't have that whenever this was
5 taken, but that was only to find our dogs.

6 Q How long have you had a Facebook
7 account?

8 A I don't know. Fifteen years,
9 probably.

10 Q Did you ever post anything in the
11 Facebook about the collision?

12 A No.

13 Q Did you ever post anything on Facebook
14 about your injuries from the collision?

15 A I don't think so. Never -- no.

16 Q All right. I want to talk to you just
17 about your damages and then we'll wrap up. To be
18 sure I am clear, the injuries you have experienced
19 from the collision, you have told me about injuries
20 to your lower back, correct?

21 A Yes.

22 Q Injuries to your left shoulder?

23 A Yes.

24 Q Injuries to your neck?

25 A Yes.

1 Q Injuries to your right knee?

2 A Yes.

3 Q Injuries to your right ankle?

4 A Yes.

5 Q And you have related that you --
6 you're relating the cyst in your brain to this
7 collision as well you told me, right?

8 A Yes.

9 Q Any other physical injuries that you
10 experienced as a result of the collision that I
11 didn't just name?

12 A No.

13 Q What medical treatment are you
14 currently undergoing that relate to your injuries
15 from the collision?

16 A My knee, my back, my head, and my
17 shoulder.

18 Q Okay. And you're getting treatment on
19 all those things. Your knee is a subsequent surgery?

20 A Yes.

21 Q What treatment on your back?

22 A I haven't had any injections for a few
23 months now, but I need to go and have that done.

24 Q What treatment are you still receiving
25 on your shoulder?

1 A I had a nerve block put in my shoulder
2 in February.

3 Q And you named one more thing. Did you
4 say your ankle? No. You said your ankle was okay.
5 What was it that you said?

6 A My head.

7 Q Your head.

8 A My back, my head, my knee, and my
9 shoulder.

10 Q And what is the treatment you're still
11 receiving on your head?

12 A I am having -- I take Nurtec. And I'm
13 scheduled to have an MRI I believe Thursday to see if
14 it has gotten any bigger or any worse. Then I have
15 to go see the neurosurgeon in a couple of weeks.
16 It's before I have my knee surgery. I don't know
17 what the date is.

18 Q Okay. Currently scheduled for an MRI
19 related to your head. Currently scheduled for
20 another right knee surgery. Are you aware of any
21 other future medical treatment planned by a medical
22 provider for you related to your motor vehicle
23 collision injuries?

24 A No.

25 Q Have you experienced any falls or

1 other traumatic events since the December 15th, 2020,
2 collision?

3 A I did fall I would say about a year
4 ago. It's been about one year, maybe a year and a
5 month.

6 Q Tell me what happened.

7 A I fell. I lost my balance and I fell.

8 Q Where were you?

9 A In the front yard.

10 Q And did you injure yourself?

11 A No. My pride.

12 Q Okay. No other falls with injuries
13 since the collision?

14 A No.

15 Q No other traumatic events that caused
16 injuries since the collision?

17 A No.

18 Q Are you claiming property damage in
19 this case, to your knowledge?

20 A Yes.

21 Q And is that related to your truck?

22 A Yes.

23 Q Were you -- did you receive any money
24 from insurance for your truck?

25 A Yes.

1 Q How much did you receive?

2 A A little over \$42,000.

3 Q Okay. Did that cover what you owed on
4 the truck?

5 A Oh, yes.

6 Q So earlier you walked me through what
7 a normal day in your life was before the accident.
8 Can you walk me through what a normal day in your
9 life is now?

10 A It's a disaster. I can't do anything
11 on my own. My husband does the laundry. He does the
12 dishes. I have a young lady that comes in and does
13 the sweeping and the mopping and the dusting. We
14 can't go anywhere and be comfortable. We used to go
15 to Gatlinburg several times a year. We haven't been
16 one time since this wreck. We cannot do anything
17 that we used to do. I can't even walk around in my
18 front yard because I'm on a walker. I've been on a
19 walker since March. I can't walk by myself. I'm
20 a -- I'm a burden.

21 Q So how do you spend a normal day?

22 A I usually -- I have a lot of doctors'
23 appointments. I usually get up and go and do my
24 doctors' appointments. And I come home and I sit on
25 the sofa until Danny gets there. I don't -- I don't

1 cook. I used to cook all the time. I don't cook
2 anything like I used to. I just warm something up or
3 eat a sandwich, that kind of stuff. My whole life
4 has changed since this wreck.

5 Q Do you have any hobbies now?

6 A No.

7 Q Do you still drive a vehicle?

8 A Yes.

9 Q How often?

10 A When I have to go to the doctors. I
11 don't go anywhere extra, nowhere extra.

12 Q What vehicle do you drive when you do?

13 A I either drive the Honda Ridgeline or
14 I drive a Chevrolet Tahoe.

15 Q And you agree that November 2020
16 before the accident you weren't working, correct?

17 A No.

18 Q And your complaint requests \$792,000
19 in damages. Do you have any source for that specific
20 amount?

21 A Pain and suffering.

22 Q Okay. Did you come up with that
23 amount?

24 A No.

25 Q Okay. Are you claiming any

1 out-of-pocket money expenses that you've had to pay
2 as a result of your injuries?

3 A I believe that my medical bills will
4 be part of that. And we have had -- we have to pay
5 our deductible and the 20 percent.

6 Q Do you know how much the annual
7 deductible is for insurance?

8 A It's 4,500.

9 Q And you have hit that every year since
10 2020?

11 A Yes.

12 Q Including 2020?

13 A Yes.

14 MR. FAIR: Those are all my questions
15 for you. Thank you.

16 THE WITNESS: Thank you.

17 MR. KUHLMAN: I'm going to ask you
18 just a few questions, Sharon.

19 EXAMINATION

20 BY MR. KUHLMAN:

21 Q Mr. Fair asked you at the beginning of
22 this deposition a line of questions about your
23 businesses that you owned. Do you remember those
24 questions?

25 A Yes.

1 Q He asked you if you had an accountant
2 who prepared your tax returns. Do you remember that?

3 A Yes.

4 Q Who is your accountant?

5 A At that time, it was Kevin Wilson.

6 Q Okay. And so who would have prepared
7 your tax return for tax year -- for tax year 2018?

8 A That would have been Affordable Tax,
9 Marilyn Cooley, I believe is her name.

10 Q And the same question as to 2019?

11 A That would have been that company in
12 Florida, Optima Tax.

13 Q In 2020?

14 A Optima Tax.

15 Q In 2021?

16 A Optima Tax.

17 Q And to the extent that you have --
18 well, I guess we're past the extension deadline now.
19 So if you filed a 2022 return, who filed that return?

20 A Optima Tax.

21 Q Mr. Fair asked you some questions
22 about -- you referred to your primary care provider.
23 He was asking you -- he said at one point is that a
24 mid-level provider. Do you understand the difference
25 between a nurse practitioner or a physician's

1 assistant and a medical doctor?

2 A I do understand.

3 Q And to the extent that an expert would
4 tell you this, would you agree that it is the sole
5 providence of a medical doctor to reach diagnoses and
6 express medical opinions on those issues?

7 A Absolutely.

8 Q And to the extent that you're seeing a
9 nurse practitioner, that nurse practitioner is
10 supervised by a licensed medical doctor, correct?

11 A Yes.

12 Q And so when you were -- your testimony
13 was that a nurse practitioner diagnosed you with
14 particular things. Would you agree that that's the
15 diagnosis of the doctor -- the medical doctor who is
16 supervising that nurse practitioner?

17 A Yes.

18 Q In general, you don't have any
19 specialized medical training, right?

20 A No.

21 Q So you would defer to the opinions of
22 the medical providers as evidenced by the chart?

23 A Yes.

24 Q Your medical record. Okay. Do you
25 know what the term or the initials PRN mean?

1 A No. Something registered nurse, I
2 would say.

3 Q I want to -- if you'll look back at
4 Exhibit 6 and 7, Mr. Fair asked you some questions
5 about the first page of these two exhibits. I want
6 to just ask you if you'll look to the second page of
7 both of those exhibits. These are, again, from
8 encounters on November the 4th, November the 5th of
9 2020 before your accident.

10 A Uh-huh.

11 Q Look at the second page. In the
12 section right after the word musculoskeletal, can you
13 tell me what the -- can you read what it says after
14 the colon there?

15 A Denies joint stiffness or swelling,
16 weakness of muscles/joint -- I don't know what that
17 word is.

18 Q Arthralgias/arthritis.

19 A Yeah. Upper extremity pain and lower
20 extremity pain.

21 Q Okay. And is that the same -- do you
22 see that same statement as to Exhibit 7?

23 A Yes.

24 Q Mr. Fair asked you some questions
25 about this map that you printed off of the worldwide

1 interweb, a series of connected tubes. Do you agree
2 that today that when you were marking on Exhibit 8
3 you were just doing that from your memory and you're
4 assuming that this is, in fact, an accurate
5 reflection of the intersection where the accident
6 happened, correct?

7 A Yes.

8 Q Mr. Fair asked you about health
9 insurance benefits that you receive, and you said
10 that you have received some medical bills in this
11 case. You testified about the Iron Workers health
12 insurance plan, correct?

13 A Yes.

14 Q Okay. Do you agree that the Iron
15 Workers health insurance plan has paid a significant
16 portion of the medical bills associated with this
17 accident?

18 A Yes.

19 Q Mr. Fair showed you an exhibit which
20 was our supplemental -- first supplement to
21 plaintiff's initial disclosure. And he asked you
22 about a lot of related versus unrelated medical bills
23 on that exhibit. You want to -- do you need to look
24 at it? It's number 13.

25 A Yes.

1 Q Okay. You said that you didn't
2 prepare this, right?

3 A No.

4 Q But you would agree with me that you
5 assisted in the preparation or the collection of the
6 bills and claims, documents, et cetera, necessary to
7 prepare this document?

8 A Yes.

9 Q Okay. And so do you agree -- you
10 would agree with me that this figure, the \$383,682.93
11 on that Exhibit 13 --

12 A Yes.

13 Q -- that that is the total of the
14 medical bills for which Iron Workers has claimed some
15 reimbursement?

16 A Yes.

17 Q These photos that Mr. Fair asked you
18 about, we -- I think we established that those are
19 screenshots, right?

20 A They are.

21 Q What -- I think you also testified
22 that you took the original photos yourself?

23 A Yes.

24 Q Using a camera phone or an iPhone or
25 some other --

1 A An iPhone.

2 Q What model iPhone was that?

3 A It would have been an 11.

4 Q Do you still have access to that
5 phone?

6 A No.

7 Q Okay. Do you have any other place
8 where these photos, other than these screenshots,
9 would be stored electronically?

10 A There -- no.

11 Q Okay. You testified about the photos
12 that you took of the scene and the roadway
13 surrounding those. The photos of the injuries to
14 your body, can you recall whether or not there was
15 another individual or there was anybody with you at
16 the time that you took those photos?

17 A My husband.

18 Q Okay. Anybody else in the room?

19 A No.

20 Q Last question. Mr. Fair asked you how
21 your life is different or he asked you to describe a
22 typical day following the accident. And you
23 testified to the fact that you can't go anywhere and
24 be comfortable. Do you recall that testimony?

25 A Yes.

1 Q You're here today not in your house,
2 right?

3 A Correct.

4 Q You're not -- we're not taking this
5 deposition at a hospital bed?

6 A No.

7 Q Okay. So you can go places, but the
8 important part of that is be comfortable. Do you
9 agree with that?

10 A Yes.

11 Q You have some ability to get around?

12 A Yes.

13 Q But it's that you're not -- you're not
14 able to do it without pain?

15 A Correct.

16 MR. KUHLMAN: Nothing further.

17 MR. FAIR: I don't have any further
18 questions.

19 FURTHER THE DEPONENT SAITH NOT.

20 (Signature reserved.)
21
22
23
24
25

E R R A T A P A G E

I, SHARON GUTHRIE, the witness herein, have read the transcript of my testimony and the same is true and correct, to the best of my knowledge, with the exception of the following changes noted below, if any:

Page/Line/

Change/Reason

SHARON GUTHRIE

Sworn to and subscribed before me, this
the _____ day of _____, 2023.

Notary Public

My Commission Expires:

REPORTER'S CERTIFICATE


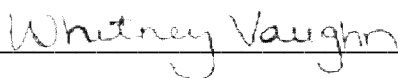
STATE OF TENNESSEE :

COUNTY OF HAMILTON :

I, Whitney A. Vaughn, Court Reporter and Notary Public, do hereby certify that the foregoing deposition was stenographically recorded by me as stated in the caption. SHARON GUTHRIE was duly sworn by me; that pages 1 to 151, inclusive, were reduced to typewriting under my direction and supervision, and the deposition is a true and correct record, to the best of my ability, of the testimony/evidence given by the deponent.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in the action. All rates charged are usual and customary.

This is the 6th day of December, 2023.



Whitney Vaughn, TN LCR #418

Court Reporter and Notary Public

My Commission Expires 07/30/25